

Semi-Annual Report: March 2020

Organization Name: Maine Society of Eye Physicians and Surgeons (MSEPS)

President: Kurt Kelley, M.D.

Councilor: Linda Schumacher-Feero, M.D.

Alternate Councilor: Samuel P. Solish, M.D.

President-Elect: Erin Lichtenstein, M.D.

Governmental Activities

The Second Regular Session of the 129th Legislature convened Wednesday, January 8th. Statutory adjournment for the Second Regular Session is scheduled for April 15, 2020. With the appointment of new Maine Medical Association CEO, Andy MacLean and retirement of General Counsel, Peter Michaud, Dan Morin was introduced as the new director of communications and government affairs effective January 1, 2020 for the MMA and will regularly monitor and assist MSEPS with government affairs activities of interest and/or concern.

During the first year of the biennial Session in 2019, the MMA & MSEPS was monitoring the following bills specifically on behalf of the ophthalmology community:

- L.D. 436, *Resolve, Directing the Secretary of State To Review Standards for Vision Tests* (directs the Secretary of State, Bureau of Motor Vehicles to review its current vision standards for driving and to make a report to the Transportation Committee).
—**DEAD; Voted unanimously Ought Not to Pass by the legislative assigned the bill**
- L.D. 443, *An Act To Prevent Vitamin K Deficiency Bleeding and Eye Damage in Infants* (requires every physician, midwife or nurse in charge at the birth of an infant to administer vitamin K to an infant intramuscularly to prevent vitamin K deficiency bleeding in infants).
—Signed into law by the Governor; [Public Law 2109, Chapter 426](#)
- L.D. 668, *Resolve, Directing the Department of Transportation To Convene a Work Group To Study Improving Traffic Safety for Color-blind Drivers* (directs the Department of Transportation to convene a work group of interested parties and persons with expertise in traffic light systems and technology to study requiring new traffic lights to accommodate color-blind drivers; requires the study to include an analysis of the effectiveness of the available technology and its costs; directs the department to submit a report on its study, including any suggested legislation, to the Transportation Committee by December 4, 2019; the Transportation Committee is authorized to report out a bill related to the report to the Second Regular Session of the 129th Legislature).
—**DEAD; Voted unanimously Ought Not to Pass by the legislative assigned the bill**

We have seen no legislative activity by optometrists in Maine so far in 2020. However, the Maine Society of Eye Physicians, like many other Maine physician specialty organizations is always involved in many legislative issues of ongoing interest to all physicians, including expanding coverage, regulating prior authorizations and continuing Maine's response to the opioid crisis. In addition, MSEPS members have joined their Maine physician colleagues and statewide public health experts in urging Mainers to vote “No” on Question 1 – a March 3rd vote to retain the 2019 law eliminating non-medical exemptions for school and healthcare employment vaccine requirements and expand and strengthen medical exemptions. Efforts to repeal the law were led by a number of parents who wish to forgo vaccinations for their children based on long-debunked claims about vaccine safety, efficacy or necessity.

A number of health care reform bills are being considered by the Maine Legislature in 2020:

LD 2007—Act To Enact the Made for Maine Health Coverage Act and Improve Health Choices in Maine

Governor's bill: Merges small group and individual markets, changes reinsurance market and establishes a State-based Exchange—MMA position: **SUPPORT**

LD 2096—An Act To Save Lives by Capping the Out-of-pocket Cost of Certain Medications

This bill provides that a health insurance carrier that provides coverage for prescription insulin drugs may not impose a cost-sharing requirement on the enrollee that results in out-of-pocket costs to the enrollee in excess of \$100 per 30-day supply of insulin.

—MMA position: **SUPPORT**

LD 2105—An Act To Protect Consumers from Surprise Emergency Medical Bills

This bill amends the law providing consumer protection for surprise medical bills to include surprise bills for emergency services. In the event of a dispute with respect to a surprise medical bill, this bill directs the Superintendent of Insurance to develop an independent dispute resolution process to determine a reasonable payment for health care services.

—MMA position: **SUPPORT**

LD 2106—An Act Regarding Prior Authorizations for Prescription Drugs

This bill makes the following changes.

1. It adds a definition of "prior authorization" and clarifies the definitions of "medically necessary health care" and "participating provider" used in the Maine Insurance Code, chapter 56-A.
2. It sets forth additional requirements for carriers to facilitate the processing of prior authorization requests for prescription drugs by providers.

—MMA position: **TBD**

LD 2110—An Act To Lower Health Care Costs

This bill establishes the Maine Commission on Affordable Health Care to monitor health care spending growth in the State and also set health care quality benchmarks. The bill also requires the commission to establish health care spending targets for public payors, including separate targets for prescription drugs.

—MMA position: **OPPOSED**

LD 2111—An Act To Establish Patient Protections in Billing for Health Care

This bill makes the following changes.

- 1—The bill requires health care entities, which includes health care practitioners and facilities, to disclose the average cost in the State for the service for which a patient has been scheduled and the entities offering the service at the highest and lowest rates in the State if the patient has been scheduled or referred for one of the 25 highest cost services or procedures.
- 2—The bill requires health care entities to disclose that a health care facility use fee will be charged and identify that fee separately on any bill provided to a patient.
- 3—The bill prohibits a health care entity from charging a patient when a billing statement has not been provided within 6 months of the date the patient received the services.
- 4—The bill requires a health care entity to disclose to a federal Medicare patient who is on observation status that the patient's observation status may increase the patient's out-of-pocket costs associated with a stay at a health care entity and the estimated increase in the patient's out-of-pocket costs.
- 5—The bill provides that a carrier must require a provider receiving a referral to disclose to the patient whether the provider is an out-of-network provider.
- 6—The bill prohibits a health insurance carrier from charging any fee for the transfer of a patient between providers or for the transfer of patient records between providers unless the fee is disclosed and directly related to the costs associated with making that transfer of the patient or the patient's medical records.

—MMA position: **SUPPORT only with amendments**

A supplemental budget bill is almost always introduced in the second year of a two-year biennial Session to ensure that the state budget remains balanced. For 2020, the state budget is not in the red which is likely to make deliberations less contentious but not entirely without political or ideological conflict. Republicans have already staked their goal to support more infrastructure funding while leading Democrats will continue a focus on health care, specifically Medicaid waiting lists for services. There are initial concerns of significant interest for Maine patients and the physician community in the budget as introduced.

Another Election Year will kick into full swing once the short Session is complete in the spring and the 129th Maine Legislature adjourns Sine Die. The public will be inundated with political advertising in what is sure to be one of the most contentious election years in recent history. Besides a Presidential election, U.S. Senator Susan Collins will face stiff competition for re-election, most likely from Maine House Speaker Sara Gideon while both Congresswoman Chellie Pingree and first-term Congressman Jared Golden also run for reelection. And, as with every two-year election cycle, all 186 state legislative seats are up for election.

Maine EYEPAC current balance: \$4,951.89

Advocacy Fund current balance: \$34,053.66

- The soft-money Advocacy Fund allows for anonymous contributions as opposed to the EYEPAC, which declares a public list of contributors. Each member is solicited to commit to a profession-long annual pledge to the Advocacy Fund.

Membership Activities

- Members: 91 (86% of Maine Ophthalmologists)

Annual Meetings and Educational Activities

- The Maine Society of Eye Physicians and Surgeons Spring Educational Program and Business Meeting will take place on **May 1, 2020** at the Harraseeket Inn in Freeport, Maine.
- The 19th Annual Downeast Ophthalmology Symposium will take place at the Harborside Hotel and Marina in Bar Harbor, Maine from **October 2-4, 2020**.
 - Clinical Focus: Glaucoma, Neuro-ophthalmology, Cornea/Cataract
 - Faculty: Malik Kahook, MD; Arsham Sheybani, MD; Eric Eggenberger, DO; Heather Moss, MD, PhD; Vance Thompson, MD; and one other TBD.
 - Keynote Speaker: TBD

Other Activities

- Linda Schumacher-Feero, MD, was appointed to the Medical Advisory Board of the Bureau of Motor Vehicles for the state. Dr. Schumacher-Feero assumed this role from A. Jan Berlin, MD who held the position for less than a year after Robert Dreher, MD, who served for 40 years and retired in the fall of 2018.