

## MINUTES

### COMMITTEE ON LEGISLATION November 4, 2009

#### **Members Present:**

V. Stuart Cox, MD, Chair  
William Dicks, MD (via conf. call)  
Cindy Firkins Smith, MD (via conf. call)  
Thomas Flynn, MD  
Daniel Maddox, MD (via conf. call)  
Melissa Mohrenweiser, MD (via conf. call)  
Gabriel Sciallis, MD (via conf. call)

#### **Staff Present:**

Sara Noznesky  
Dave Renner

#### **Guests Present:**

David Barlow, MAPA  
Frank Iossi, Mayo Clinic (via conf. call)  
Fred Nobrega, MD  
Sue Schettle

#### **Members Absent:**

Macaran Baird, MD  
Scott Duncan, MD  
Daron Gersch, MD  
Ronnell Hansen, MD  
Michael Krowka, MD  
Paul Sanford, MD  
Joseph Sivak, MD  
Patrick Zook, MD  
Gillian Munitz, (MSS)  
Vivek Iyer, MD (RFS)

#### **I. Call to Order & Introductions**

V. Stuart Cox, MD, Chair, called the meeting to order at 6:00 p.m. Attendees introduced themselves.

#### **II. Approval of Minutes of the January 20, 2009 Meeting**

Daniel Maddox, MD moved to approve the minutes of the June 24, 2009 meeting. The motion was seconded and approved by the committee.

#### **III. House of Delegates Resolution Review**

The committee reviewed resolutions passed by the House of Delegates at the September 2009 meeting that are relevant to legislative activity. None require the MMA to introduce legislation.

#### **IV. Interim Legislative Activity**

Sara Noznesky described the meetings that MMA staff and leaders have been participating in at the legislature and on legislative subjects including General Assistance Medical Care, reproduction of medical records and childhood obesity. Legislative activity has been lighter this interim than past years. Hearings have been held on a range of topics including distribution of federal stimulus funds, status updates on state health care reform and pharmaceutical gift bans. MMA leaders have also engaged in meetings with leadership within both the Department of Human Services and the Department of Health.

Dave Renner described federal activities MMA members and leaders have been engaged in surrounding federal health care reform legislation.

V. **Issue Discussion**

1. **General Assistance Medical Care**

Staff provided an update on the status of Governor Pawlenty's unallotment of the General Assistance Medical Care (GAMC) program and activities to ensure health care coverage is not eliminated for this population.

2. **Medicaid Reimbursement Increase Campaign**

The committee discussed the ongoing campaign by the MMA to increase reimbursement for Medicaid services in light of emerging priorities around GAMC and another significant state budget deficit (projected to be between \$300 - \$400 million for the remainder of this biennium and \$5 - \$7 billion for the next biennium). Committee members suggested the MMA continue to work to educate policy leaders about low reimbursement, mobilize physicians to become increasingly engaged on the topic and obtain more information from members and clinics about the impact of low reimbursement on their patients.

3. **Athletic Trainers, H.F.1855**

The committee revisited H.F.1855 which modifies a number of provisions related to athletic trainers. Last session the MMA did not take a position on the bill. David Barlow told the committee that the Minnesota Academy of Physician Assistants was not concerned with the bill. The Board of Medical Practice is neutral and many MMA members support the measure.

Committee members instructed staff to seek clarification on bill language pertaining to education and accreditation but agreed the MMA should continue to be neutral on the bill, therefore no action was necessary.

4. **Obesity Carve Outs**

The committee reviewed the priority status of repealing state statute explicitly omitting obesity drugs from the formularies of public programs (258B.0625 Subd.13d) as a result of 2010 House of Delegates Resolution 206, reaffirming existing policy. Due to the ongoing budget deficit and related high-profile issues such as GAMC coverage elimination, the committee recommended the MMA continue to work toward repeal of the provision but not at the expense of resources for other high priority issues.

5. **Lyme Disease, S.F.1631**

The committee discussed [S.F. 1631](#) which would prohibit the Board of Medical Practice from imposing disciplinary action against any physician

solely on the basis of prescribing, administering, or dispensing long-term antibiotic therapy to a patient who has been clinically diagnosed with chronic Lyme disease.

The committee was told that MMA members are on both sides of the issue. Supporters of the bill include patient advocates and a member of the MMA who is a family physician. Alternatively, some MMA members who specialize in infectious disease believe it is an inappropriate use of antibiotics. The committee agreed they were not in a position to make a recommendation on the merits of the bill based on a determination on the most appropriate standard of care. The committee did, however, have significant concerns with the legislature defining appropriate treatment in statute and dictating how the Board of Medical Practice responds. The committee feared this bill could set a precedent for future legislative activity.

Dr. Cox moved that the committee recommend the following policy to the Board of Trustees. The motion was seconded by Cindy Firkins Smith, MD and approved without dissent.

*The MMA opposes defining what constitutes appropriate or inappropriate medical treatment in statute for the treatment of chronic Lyme disease.*

**VI. Anticipated 2010 Legislation: Priority Grid**

The committee reviewed the priority grid for potential 2010 issues as provided by staff and discussed potential changes and updates as the beginning of the legislature draws closer.

**VII. 2010 Day at the Capitol**

The date for the 2010 MMA Day at the Capitol has been set for the afternoon of February 9, 2010. Members unable to attend on that date are encouraged to participate in Capitol Rounds.

**VIII. 2010 Meeting Dates**

Dates for committee meetings in 2010 were set as follows:

- Tuesday, January 12
- Wednesday, February 24
- Thursday, April 15
- Wednesday, June 9 (tentative)
- Thursday, November 11

**IX. Other Business**

**1. Advocacy Rounds and District Dialogues**

Dr. Cox encouraged committee members to make time for district dialogues prior to the beginning of legislative session.

**2. Outgoing Members**

The committee thanked outgoing committee members Michael Krowka, MD, Daniel Maddox, MD and Paul Sanford, MD.

**X. Adjourn**

There being no further business, the meeting was adjourned at 7:50 p.m.

DRAFT