

End of Session Update

By Clay Taylor, OPA Lobbyist

The 56th Legislative Session's first year is in the books and it has been quite a wild ride at the capitol. When you consider the budget hole the legislature had coming in to this session along with factors like new leadership in both the house and the senate as well as revenue failures, a new President in the White House, and a lack of remaining one time money to be used, it's amazing we even have a budget at this point.

To put a bow on the budget, SB860 was this year's General Appropriation bill, and was rolled out in a manner that few had ever seen before. Going into the final week of session it was entirely unclear if there would be any real new revenue passed by this legislature as the infighting between the Governor, the Speaker, the Senate Pro Tem, and Minority Leader Scott Inman created a level of uncertainty that surpassed any year in recent memory.

Ultimately the legislature passed a budget which was able to hold harmless several agencies including the Department of Mental Health and Substance Abuse Services and the Oklahoma Healthcare Authority. Now, hold harmless really means they were not additionally cut from their already depressed levels of funding, but many were afraid large cuts were coming to many agencies. OPA worked hard all session to foster our relationships with budget chairs in the house and the senate as well as subcommittee chairs who played a large role in drafting the budget, and ultimately we were successful in keeping funding at the levels we were currently at.

One of our priority issues this year was a cigarette tax for healthcare. I am sure you are all aware of the fight that occurred and ultimately broke down to get it passed as a new tax at \$1.50. Democrats used this as a negotiating chip to try and increase the Gross Production Tax, and ultimately were unsuccessful. This fight ultimately led to the legislature rolling house SB845 the "Smoking Cessation Act of 2017". This bill places a \$1.50 fee on cigarettes and places the revenue generated from it into a healthcare revolving fund.

There will be constitutional challenges to this measure based on it being a revenue bill that only passed with 51 votes instead of the constitutionally mandated 76, as well as passing it within 5 days of the end of session. There is also a real possibility that no revenue is ever recognized from this new fee as the emergency on the bill failed which would have moved implementation up 90 days. We will continue to monitor the progression of the cigarette fee bill in the courts and will keep you updated.

OPA ISSUES 2017

Heading into this year as my first year, I worked with the OPA Legislative Affairs Committee Chaired by Dr. Lori Holmquist Day and identified 6 bills for our original priority list, and during our preliminary work did a very good job of determining their impact on OPA. A lot of what goes into tracking and working on legislation is simply determining a bill's real impact and who is pushing for it. A good deal of our original priority list was determined to not impact OPA members.

HB1013 by Rep. Josh Cockroft (R-Tecumseh) - this was the Nurse Practitioner Practice Expansion Act. This bill was identified as this as one we should watch because OPA desire to expand the practice of psychologists in Oklahoma. HB1013 passed the house but was ultimately killed in Senate Health committee by the chair Sen. Irvin Yen (R-OKC) who is a practicing anesthesiologist. Our takeaway from all our conversations and discussions with associations and key leaders is that no scope of practice bill will move in the legislature without Sen. Yen's blessing. While he is still in his first term and has 9 more years left to serve, the OPA Legislative Affairs Committee will work with me to further develop a strategy to help Senator Yen understand what is important to the practice of psychology.

HB1710 by Rep. Mike Ritze (R-Broken Arrow) - this bill would have prohibited hospitals and health plans from discriminating against doctors of osteopathy (DO's). It ultimately failed to pass the house floor as the Oklahoma State Medical Association (OSMA) and others came out strongly in opposition.

SB720 by Sen. AJ Griffin (R-Guthrie) - This was the senate version of the Nurse Practitioners Practice Expansion. It failed to receive a hearing in Sen. Yen's Health Committee.

SB798 by Sen. Rob Standridge (R-Norman) - Originally we were concerned about this bill because it seemed to remove the OHCA's use of an Administrative Law Judge appointed by the Attorney General. Our fear was that this would ultimately disadvantage our members in disputes with the OHCA. After working with the author, the OHCA, and other medical groups, we ultimately determined that this would not harm us. The OHCA already employs an ALJ and we have been given assurances by the author that if any issues come up he will happily revisit this issue.

SB813 by Sen. AJ Griffin (R-Guthrie) - Originally we were concerned because this bill contained a fee increase on Behavioral Health Certification fees under the Department of Mental Health and Substance Abuse Services. After working with the author and state agencies, we determined that the fee increase was negotiated between the ODMHSAS and the Association and did not directly impact OPA although some of our members will be affected. The increase from \$300 to \$700 still puts us well below the cost of national certification.

There were several important issues that arose as we went through session. One issue that sprung up was a desire by the legislature and the Governor to exert more control and influence over boards and commissions. This is something that can have a real detrimental impact on OPA members and we identified 3 measures that we were successful in getting rid of.

Two bills we were able to kill this session dealt with removing agency board's ability to hire and fire their directors. SB686 by Sen. Kim David (R-Wagoner) would have allowed the Governor to hire and fire the OHCA director, and we were able to defeat this bill in committee. SB711 also by Sen. David was laid over after we got the votes to kill it. These were two big wins for OPA this session. After these bills were defeated, house and senate leadership introduced HB2316 by Rep. Charles McCall (R-Atoka) and Sen. Mike Schulz (R-Altus). This bill would have changed many boards including OHCA and ODMHSAS to "at-will" appointments, meaning board members could be removed at any time. This bill ultimately failed to be heard on the senate floor after passing the house after much work on members of the senate to encourage Pro Tem Schulz not to hear his own bill. Another big win for OPA.

Finally, OPA also lent its support to a new coalition this session called Oklahoman's for Business & Property Owners' Rights. The coalition of over 50 corporations, associations, and universities was aimed at combatting bad gun legislation. I am very happy to report that ALL of the over 50 bills identified at the beginning of session as bad gun bills which would harm the public and law enforcement were defeated. OPA along with several other medical associations and hospitals and I helped play a major role as your lobbyist in defeating these measures. We fully expect more bad legislation in future sessions to come and I hope that combatting these measures will continue to be a priority for OPA.

LOOKING FORWARD TO NEXT SESSION

Looking back on this first year of the 56th legislature we have learned a lot about what it will take to accomplish our long term goals that include expanding our scope of practice. One important piece of this puzzle moving forward is continuing to grow our political capital. We currently still have an Unlimited PAC which is administered by OPA, but which does not allow us to make direct contributions to members and I believe hamstrings us when competing for the support of legislators. As OPA continues to educate members on issues relating to the mental health and the practice of psychology, we should again look at creating a Limited PAC under the Ethics Commission from which we could raise dollars to go directly to campaigns. I cannot stress enough how necessary and important this is if we want to accomplish our long term goal of expanding our ability to practice in Oklahoma. The OPA Legislative Affairs Committee and the OPA Board are on board to investigate this and bring forth a recommendation to the membership to help fund in the near future.

As we go through the interim, we will listen to members and identify issues which we will deal with in the upcoming 2018 session. If you have any ideas the legislative committee and/or the OPA Board would love to listen to them and explore their possibilities.

Wrapping up my first session working with OPA, I am humbled to represent you and look forward to continue to learning and working together on issues that impact not only your practice, but also the state of mental health in Oklahoma. Thank you.