



# CALL TO ACTION

IT'S TIME TO CONTACT YOUR WASHINGTON  
AND OREGON CONGRESSIONAL DELEGATION

Congress reconvened in September and lawmakers will spend the last remaining months before the 2020 election year addressing several topics, including measures to address surprise medical billing, prescription-drug costs, prior-authorization reform, appropriations spending, and other legislative initiatives that impact healthcare in the United States.

Physicians Insurance works in partnership with its national trade association, the MPL Association, to promote medical liability reform and build bipartisan support in Congress on federal legislative matters. Anne Bryant, Senior Director of Government Relations, currently chairs the MPL Association's Government Relations Committee. ([www.mplassociation.org](http://www.mplassociation.org))

At present, there are two legislative initiatives before Congress that are important to MPL insurers and medical professionals:

#### **GOOD SAMARITAN BILL INTRODUCED IN U.S. SENATE**

On May 7, 2019, the Good Samaritan Health Professionals Act of 2019 (S. 1350) was introduced by Senator Bill Cassidy, MD (R-LA), and referred to the Senate Health, Education, Labor and Pensions Committee. This legislation would provide federal and state medical-liability protections for medical volunteers, limited to those responding to federally declared disasters. The bill is virtually identical to legislation that was approved by the House Energy and Commerce Committee last year following extensive negotiations with committee Democrats and the American Association of Justice, a

national plaintiff trial lawyer association advocating on behalf of those injured by negligence or misconduct.

#### **The Bill:**

[www.congress.gov/bill/116th-congress/senate-bill/1350](http://www.congress.gov/bill/116th-congress/senate-bill/1350)

#### **Legislative Contact:**

Senate Health, Education, Labor and Pension Committee:

**Senator Patty Murray (D-WA), Ranking Member**

[www.murray.senate.gov/public/index.cfm/contactme](http://www.murray.senate.gov/public/index.cfm/contactme)

#### **LIABILITY-REFORM BILL INTRODUCED IN U.S. HOUSE OF REPRESENTATIVES**

On July 9, 2019, the Accessible Care by Curbing Excessive Lawsuits ("ACCESS") Act of 2019 (H.R. 3656) was introduced by Representative Richard Hudson (R-NC) and referred to the Committee on the Judiciary and Committee on Energy and Commerce. This legislation is a comprehensive medical-liability reform bill that is modeled after proven reforms currently in place in several states around the country, such as California and Texas. The bill ensures full and unlimited recovery of economic damages, such as lost wages, past and future medical expenses, rehabilitation costs, and other expenses. The bill also permits the additional recovery of up to \$250,000 for non-economic damages, such as damages awarded for pain and suffering. All provisions included in the legislation provide for state flexibility, meaning no provisions are construed to preempt any state

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laws, whether adopted before, on, or after the date of federal enactment.

It also includes reasonable statutes of limitations for filing lawsuits from one to three years, with an exception for minors under the age of six, and sliding scales on attorney fees of 40% on the first \$50,000, 33 and 1/3% on the next \$50,000, 25% on the next \$500,000, and 15% on any amount in excess of \$600,000. In addition, provisions encouraging more open communication between patients and providers, such as the protection of statements of apology and actions of compassion, are also included in the legislation.

### The Bill:

[www.congress.gov/bill/116th-congress/house-bill/3656](http://www.congress.gov/bill/116th-congress/house-bill/3656)

### Legislative Contact:

Committee on the Judiciary:

**Representative Pramila Jayapal (D-WA)**  
[jayapal.house.gov/contact](http://jayapal.house.gov/contact)

Committee on Energy and Commerce:

**Representative Kurt Schrader (D-OR)**  
[schrader.house.gov](http://schrader.house.gov)

**Representative Greg Walden (R-OR),  
Ranking Member**

[walden.house.gov/contact-greg](http://walden.house.gov/contact-greg)

**Representative Cathy McMorris Rodgers (R-WA)**

[/mcmorris.house.gov/contact](http://mcmorris.house.gov/contact)

### WE NEED YOUR HELP

Please consider reaching out to members of Congress in Washington and Oregon and encouraging them to co-sponsor and support the bill before their committee. Our hope is to increase diverse bipartisan support to activate and move these federal legislative initiatives forward.

If you would like more information, please contact Anne Bryant at [Anne@phyins.com](mailto:Anne@phyins.com) or 206.200.6055.

[phyins.com/govt](http://phyins.com/govt)

## ONLINE COURSES

### Integrating Primary Care with Behavioral Health

As a healthcare professional, you may or may not be sure what the term “integrated care” means, what the implications are for future healthcare practice, or how you might participate in an integrated-care environment. This course explains the costs, benefits, and goals of various integrated-care models and configurations. You will learn ways that behavioral-healthcare professionals can function effectively in such an environment, along with key challenges to and characteristics of well-functioning integrated-care systems.

### Best Practices for Delivering Telehealth

Learn how to select and apply the most appropriate treatment modalities for telehealth when working with individuals across behavioral-health settings; describe considerations when building rapport and engaging clients remotely via telehealth; and learn how to summarize specific research describing the strengths and weaknesses of telehealth practice, including the standardized use of electronic assessments.

### HIPAA and Behavioral Health

This course addresses some of the most common HIPAA-related legal and ethical challenges faced by behavioral-health professionals, including those who work in hospitals, clinics, community mental-health centers, addiction-treatment centers, and private practices. This course will improve your understanding of HIPAA Privacy and Security Rules and how they apply to your day-to-day professional responsibilities as a behavioral-healthcare provider.

### Reducing Medical and Treatment Errors in Behavioral Health

In this course, you will learn the scope of medical and treatment errors within the overall healthcare system, and specifically in behavioral-health settings. You will explore the types of medical errors, including error-prone situations, and the use of root-cause analysis to determine why and how an error occurred. You will explore best practices to improve client safety and outcomes, and learn your responsibilities for reporting medical errors.

[phyins.com/behavioralhealth](http://phyins.com/behavioralhealth)



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