



California
Rheumatology
Alliance

Legislative Update

September 3, 2013

Ballot Initiative Seeking To Increase Damage Caps and Impose Drug Testing On Physicians The Office Of Attorney General

A ballot initiative filed with California's Office of the Attorney General seeks to subject physicians to drug and alcohol testing and increase the current \$250,000 cap on non-economic damages under Medical Injury Compensation Reform Act (MICRA) to adjust for inflation over the past 38 years. Upon being issued a title and summary by the Attorney General, proponents of the ballot initiative will have 150 days to obtain the required 504,760 signatures to qualify it for the November, 2014 ballot. [View the ballot initiative.](#)

Senate Reviewing Amendment to CRA-Backed Biologic Substitutions Bill

California is one of 20 states this session to consider legislation regulating the substitution of biologic prescriptions. [California SB 598](#), as amended, would authorize a pharmacist, in his discretion, to select a biosimilar when filling a prescription for a prescribed biological product only if the biosimilar has been approved by the FDA and determined to be interchangeable and the prescriber does not personally indicate not to substitute. In addition, the pharmacist must notify the prescriber or enter the information in a patient record system shared by the prescriber within five business days for prescriptions filled prior to January 1, 2017. CRA has continually voiced its support for this legislation, which passed the Assembly, as amended, on August 26. The Senate must concur with the Assembly amendment before it is sent to the Governor for his signature.

CRA Voices Support For Limiting Step Therapy Policies To Protect Patients And Reduce Administrative Burdens

California Assemblymember Jim Frazier (D) sought to limit step therapy/fail first policies through [AB 889](#), which would prohibit health plans from requiring a patient to try and fail on more than two medications before allowing a physician's preferred treatment for the patient. This CRA-supported legislation passed the Assembly, but was held by the Senate Appropriations Committee on August 30. The Assemblymember plans to reintroduce this legislation.

Open Comment Period on Proposed Prior Authorization Request Form

California physicians rejoiced in October, 2011, after legislation was enacted into law mandating the use of a uniform prior authorization form for prescription drug benefits, streamlining and improving the process. The Department of Managed Health Care opened a second written comment period on August 20, which will close on October 7, 2013. [View the text of the revised proposed rule.](#)

Legislation Seeks To Prohibit Financial Incentives For Pharmacists' Recommended Substitutions

CRA applauded California Assemblymember Toni Atkins (D) for introducing [AB 670](#), which, as amended, prohibits pharmacists and pharmacy employers from receiving any payments or compensation to specifically recommend or replace a patient's original prescription with a prescription lacking the same active ingredient. AB 670 has been held in the Assembly Appropriations Committee.

Chaotic Consideration Of Scope Of Practice Bills In Legislature's Final Days

Amid dire predictions and warnings that the state of California faces a projected shortfall of as 17,000 doctors within two years, lawmakers have considered myriad measures granting greater autonomy to nurse practitioners, physician assistants and other non-physician providers during the 2013 legislative session.

Physicians and patient safety advocates, wary of the dangerous consequences, recently achieved some level of success. When a high-profile proposal, SB 491, allowing nurse practitioners to diagnose and treat patients without the involvement of a physician was amended to promote safety, key supporters withdrew their backing on August 13, dooming the measure to failure.

Less expansive bills altering non-physician providers' authority have been approved by the legislature or remain pending in the final weeks of session. A bill to expand nurse practitioners' scope of practice was approved by both chambers of the legislature on August 22 after it was watered down to secure legislative support. This legislation, SB 352, is now on its way to the Governor for his signature. Meanwhile, physical therapists could treat patients without a referral if AB 1000 regains momentum in the Senate, where it has stalled since July 11.