

Joint Commission on Health Care

Updates of Staff Study Plans

June 24, 2019 Meeting

The following plans identify the ***areas of focus*** for each study, for both the research process and the presentation.

Please note:

The **presentation focus** is not an outline of the presentation. Instead, it indicates the primary elements of the presentation based on the staff's accumulation of knowledge at this point.

As the research process continues, new information *may* result in modifications to a study's plan.

NALOXONE PUBLIC ACCESS AND STORAGE (HJ 653)

Staff: Andrew Mitchell

Work Plan: Naloxone Public Access and Storage (HJ 653)

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Key Areas of Research Focus

- Definitions of publicly accessible places appropriate for naloxone placement
 - Create map with locations of opioid overdoses and surrounding publicly accessible places
 - Analysis of organizations/groups who currently provide public access to naloxone
- Availability of public and private sector sources of funds for naloxone procurement
- Virginia naloxone administration training requirements and education programs currently offered
- Current Virginia Code: 1) requirements related to storage/administration of naloxone; 2) civil/criminal liability protections for administration of naloxone
- Alternative community-based initiatives to increase public access to naloxone

Work Plan: Naloxone Public Access and Storage (HJ 653)

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Key Areas of Presentation Focus

- Brief explanation of why people feel policy is needed
- Likelihood that naloxone stored in public locations could be administered in time to opioid overdose victims to prevent fatalities, based on mapping of opioid overdose locations and publicly accessible locations
- Overview of policy-relevant considerations:
 - Private and public sector funding sources
 - Naloxone storage and administration requirements for organizations
 - Code changes regarding naloxone storage/administration (including training requirements) and civil/criminal liability protections
 - Only if policy to permit naloxone placement in public locations is insufficient or not viable: synopsis of 1-2 other policies

INCREASED PRESCRIPTION DELIVERY OPTIONS AT SAME COST FOR HEALTH PLAN MEMBERS (HB 2223)

Staff: Andrew Mitchell

Work Plan: Increased Prescription Delivery Options at Same Cost for Health Plan Members (HB 2223)

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Key Areas of Research Focus

- Review of evidence regarding relationships between pharmacy channel of distribution (mail order vs. retail) and: pharmaceutical costs, patient outcomes
- Implementation experience from other states with related legislation, including Any Willing Provider laws and increased PBM* oversight/regulation
- Determine revisions to HB 2223 and/or Virginia Code that may be required to integrate the components of HB 2223 into existing statute

*PBM: Pharmacy Benefit Manager

Work Plan: Increased Prescription Delivery Options at Same Cost for Health Plan Members (HB 2223)

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Key Areas of Presentation Focus

- Brief background on roles of insurers, PBMs, and pharmacies in pharmaceutical prescriptions and dispensing
- Brief analysis of pharmaceutical costs and patient outcomes as they relate to pharmacy channel of distribution
- Overview of lessons learned from implementation experiences of states with related legislation
- Revisions to Virginia Code and HB 2223 that may be required to integrate key components of HB 2223 into existing statute

LANGUAGE DEVELOPMENT FOR CHILDREN WHO ARE DEAF OR HARD OF HEARING AND ASSESSMENT RESOURCES FOR PARENTS (SB 1741)

Staff: Andrew Mitchell

Work Plan: Language Development for Children who are Deaf or Hard of Hearing and Assessment Resources for Parents (SB 1741) 10

Key Areas of Research Focus

- Virginia's multi-agency system of supports and services for deaf/hard of hearing children 0-5 years of age
- Virginia data on language development/English literacy of deaf/hard of hearing children 0-5 years of age
- Literature on communication modes (e.g. American Sign Language) and language development/literacy outcomes
- Virginia stakeholders' input on key components of SB 1741 (e.g., composition of Advisory Committee; development of parental and educator resources; data collection/annual reporting)
- Code of Virginia changes and budget amendments required to address key components of SB 1741 (e.g. development of parental resources, measurement of language acquisition outcomes and creation of annual report)
- Implementation experiences in other states with similar legislation

Work Plan: Language Development for Children who are Deaf or Hard of Hearing and Assessment Resources for Parents (SB 1741)

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Key Areas of Presentation Focus

- Brief synopsis of communication modes that exist now for deaf or hard of hearing children, importance of language development, and connections between communication modes and language outcomes
- Brief overview of Virginia's service and support system for children who are deaf or hard of hearing
- Policy-relevant considerations if SB 1741 is reintroduced in 2020 Session:
 - Potential solutions to challenges identified when similar legislation was implemented in other states
 - Funding and other resource requirements
 - Additional changes to Virginia's system of supports and services for deaf or hard of hearing children 0-5 years of age that may be necessary

FORENSIC NURSING IN THE COMMONWEALTH (HJ 614)

Staff: Stephen Weiss

Work Plan: Forensic Nursing in the Commonwealth (HJ 614)

Key Areas of Research Focus

- Demographic information on forensic nursing programs and nurses
- Relationship between forensic nurses and the criminal justice system (i.e. prosecuting attorneys and law enforcement)
- Reimbursement/Funding
 - Current reimbursement *amounts* and *sources* for forensic nursing services
 - Issues to consider, for example:
 - Actual costs/reimbursement amounts for forensic nursing services based on work load information
 - Ways to increase overall reimbursement
 - Privacy and confidentiality of insurance Explanation of Benefits (EoB) documents
- Examine importance of forensic nurses, especially relative to other health care providers
 - Role in collecting evidence, working with law enforcement and prosecution
 - Training in optimum trauma-informed care to victims and qualifications to train others

Work Plan: Forensic Nursing in the Commonwealth (HJ 614)

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Key Areas of Research Focus (cont.)

- Current forensic nursing programs and geographic shortages of programs and nurses
 - Transportation issues when a local forensic nurse is not available
 - Funding options for new forensic nursing programs and forensic nurses
 - Telemedicine options

Key Areas of Presentation Focus

- Brief overview of forensic nursing and the provision of forensic nursing services
- Importance of forensic nursing services (according to prosecuting attorneys/judges, empirical data, etc.)
- Potential solutions to reimbursement/funding issues
- Ways to address geographic shortages of forensic programs and nurses

SUPPORTED DECISION-MAKING FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES (HJ 729)

Staff: Stephen Weiss

Work Plan: Supported Decision-Making for Individuals with Intellectual and Developmental Disabilities (HJ 729)

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Key Areas of Research Focus

- Primary question: Does the Virginia Code need amending to include supported decision-making (SDM) as an alternative to guardianship for qualified persons with I/DD?
- Understand details of and differences between guardianship, limited/partial guardianship, power-of-attorney and SDM
- Guardianship laws and how they function under current Virginia Code
 - Determination of an individual's need for guardianship
 - Decision making rights that are lost or transferred to a guardian
- Review 2014 study (HJR 190) by the Secretary of Health and Human Resources and any resulting actions
- Identify and evaluate strategies that may increase the use of SDM, when appropriate

Work Plan: Supported Decision-Making for Individuals with Intellectual and Developmental Disabilities (HJ 729)

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Key Areas of Research Focus (Cont'd)

- Change Virginia Code to clarify language in guardianship section and/or include provisions related to the application of SDM (e.g. a model contract)
 - Stakeholder input
 - Investigate states in which laws regarding guardianship and SDM have been clarified
- Provision of educational materials about SDM to judges, attorneys, school administrators, teachers, service and health care providers, and family members
- Provision of educational materials to parents/legal guardians to help them decide if SDM is a good alternative to guardianship when their child is 18 years of age
- Ensure that people with I/DD receive quality information about SDM and educational materials that will help them understand their options provided by law

Work Plan: Supported Decision-Making for Individuals with Intellectual and Developmental Disabilities (HJ 729)

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Key Areas of Presentation Focus

- Differences between guardianship and supported decision-making
- Strategies to consider that may increase the use of SDM, when appropriate
 - Legislation to change Virginia Code
 - Options regarding ways to increase the level of knowledge about SDM among:
 - Judges and attorneys
 - School administrators and teachers
 - Service and health care providers
 - Family members
 - Persons with I/DD

**DISPENSING OF DRUGS AND DEVICES PURSUANT
TO PHARMACY CPA'S, STANDING ORDERS, AND
STATEWIDE PROTOCOLS IN VIRGINIA (HJ 662)**

Staff: Paula Margolis

Work Plan: Dispensing of Drugs and Devices Pursuant to Pharmacy CPA's, Standing Orders, and Statewide Protocols in Virginia (HJ 662)

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Key Areas of Research Focus

- Identify areas in the current regulations that may be changed to safely increase patient access to services via greater use of pharmacists
 - Review evidence regarding issues that might negatively and/or positively impact patient safety and health, including current pharmacy training curriculum and advanced practice/specialty pharmacist training
- Reimbursement issues for expanded services provided by pharmacists
- Review laws, regulations and practice agreements in other states
- Identify characteristics of the Virginia pharmacist workforce relevant to study

Work Plan: Dispensing of Drugs and Devices Pursuant to Pharmacy CPA's, Standing Orders, and Statewide Protocols in Virginia (HJ 662)

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Key Areas of Presentation Focus

- Relevance of a) how *practitioner, provider* and *medical practitioner* are defined in Virginia regulations, and b) Federal definitions and laws
- The role of the Board of Pharmacy and the Board of Medicine
- Considerations regarding pharmacists scope of practice:
 - Core role/activities of pharmacists
 - Content/scope of pharmacy training including advanced training for certification in a pharmacy specialty
- Key points regarding expansion of Virginia statewide protocols and standing orders
- Overview of model state laws, regulations, and practice agreements
- Reimbursement for pharmacist's services
- Review of physician and pharmacist liability

PROHIBITION ON PRESCRIPTION DRUG PRICE GOUGING (SB 1308)

Staff: Paula Margolis

Work Plan: Prohibition on Prescription Drug Price Gouging (SB 1308)

Key Areas of Research Focus

- Review 2017 Maryland law that Senator Edwards used as a model for SB 1308 and review the court decision. (It was ruled unconstitutional by U.S. Fourth Circuit Court of Appeals and the Supreme Court refused to hear appeal.)
- Track legislation introduced in the U. S. Congress and report on activity that occurs prior to the study presentation and, if an important development occurs, provide update before the November decision matrix meeting and the start of session 2020
- Identify and evaluate other state-level strategies for addressing high-cost prescription drugs
 - Given the complexity of the system and the many links between manufacturer and patient, review federal and state law to determine points in the system where states may intervene
 - For each strategy, consider:

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|------------------------------------|---|
| Level of administrative burden | Potential implementation and operational issues |
| Data requirements and availability | Likelihood to withstand legal challenge |

Work Plan: Prohibition on Prescription Drug Price Gouging (SB 1308)

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Key Areas of Presentation Focus

- Review of drug pricing and pipeline
- Brief synopsis of federal-level action
- List of strategies recommended and/or implemented at the state-level
- Review of strategies that may work in Virginia, focusing on:
 - Funding
 - State agency and/or other entity likely to be responsible for implementing strategy
 - Data requirements and, if potential issues identified, recommended solutions
 - Potential implementation and operational issues and, if any, recommended ways to address them