



HEALTH CARE COMMITTEE

Thursday and Friday, September 10-11, 2020
Coteau AB Room, State Capitol
Bismarck, North Dakota

Representative George Keiser, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives George Keiser, Dick Anderson, Gretchen Dobervich, Clayton Fegley, Jim Kasper, Mike Lefor, Lisa Meier, Marvin E. Nelson, Bob Paulson, Robin Weisz; Senators Dick Dever, Kathy Hogan, Judy Lee, Tim Mathern, Dave Oehlke, Kristin Roers, Shawn Vedaa

Members absent: None

Others present: See [Appendix A](#)

It was moved by Senator Dever, seconded by Representative Lefor, and carried on a voice vote to approve the minutes of the November 21, 2019, meeting as distributed .

PREMIUM TREND STUDY - REPORT OF ANALYSIS OF HEALTH CARE

Chairman Keiser called on Mr. Jon Godfread, Insurance Commissioner; Ms. Jennifer Hammer, President, JWHammer LLC; and Mr. J.P. Wieske, Vice President of State Affairs, Horizon Government Affairs, to present a summary ([Appendix B](#)) of a report ([Appendix C](#)) of an analysis of health care in the state.

Mr. Godfread said the summary and the report contain multiple legislative proposals, some of which he supports and some of which he does not support.

Ms. Hammer said the report will continue to be updated through the end of the year.

Chairman Keiser called on Mr. Tim Blasl, President, North Dakota Hospital Association, for comments ([Appendix D](#)) regarding the report.

Chairman Keiser called on Ms. Caprice Knapp, Medicaid Executive Policy Director, Department of Human Services, for comments ([Appendix E](#)) regarding the report.

Chairman Keiser called on Dr. Michael LeBeau, Member, Health Policy Consortium, for comments ([Appendix F](#)) regarding the report.

Chairman Keiser called on Mr. Mike Schwab, Executive Vice President, North Dakota Pharmacists Association, for comments regarding the report. Mr. Schwab commented regarding the topic of medication adherence. He said pharmacists have taken the initiative to pursue remote patient monitoring for diabetes and have tried to implement transition of care.

Chairman Keiser called on Ms. Megan Houn, Director of Government Relations, Blue Cross Blue Shield of North Dakota, for comments regarding the report. Ms. Houn said she disagrees with the position hospitals are "ratetakers" as the data does not support this position. She said Blue Cross Blue Shield of North Dakota recently completed an information technology project that impacted its administrative costs for this period. She said she wants to seize this opportunity to improve the delivery of care.

REPORTS

Chairman Keiser called on Ms. Pamela Sagness, Executive Policy Director, Behavioral Health Division, Department of Human Services, for a behavioral health update ([Appendix G](#)).

Chairman Keiser called on Mr. Douglas D. Nelson, State Fire Marshal, Attorney General's office, on the State Fire Marshal's report ([Appendix H](#)) on the findings and any recommendation for legislation to improve the effectiveness of the law on reduced ignition propensity standards for cigarettes as provided for under North Dakota Century Code Section 18-13-02(6).

Chairman Keiser called on Mr. Tim Wiedrich, Section Chief, Health Resources and Response, State Department of Health, for a report on reorganization that has occurred at the State Department of Health. Mr. Wiedrich said Dr. Paul Mariani will begin serving as the State Health Officer next week. He said Mr. Dirk Wilke is serving as interim State Health Officer.

Chairman Keiser called on Ms. Brianna Monahan, Diabetes Prevention and Control Program Coordinator, State Department of Health, for a report ([Appendix I](#)) on the collaboration by the Department of Human Services, State Department of Health, Indian Affairs Commission, and Public Employees Retirement System to identify goals and benchmarks while also developing individual agency plans to reduce the incidence of diabetes in the state, improve diabetes care, and control complications associated with diabetes as provided for under Section 23-01-40.

Chairman Keiser called on Ms. Christine Brondyk, EMS Program Representative, Stroke/Cardiac System, State Department of Health, for a report ([Appendix J](#)) on progress made toward the recommendations provided in Section 23-43-04 regarding the state comprehensive stroke system and any recommendations for future legislation.

Chairman Keiser called on Mr. Neil Charvat, Director, Tobacco Prevention and Control Program, State Department of Health, for a status report ([Appendix K](#)) on federal laws relating to e-cigarettes and tobacco.

Chairman Keiser called on Mr. Wiedrich for a report ([Appendix L](#)) on the implementation of innovation waivers for health facilities construction or renovation projects as required under Section 4 of Senate Bill No. 2317 (2019).

Chairman Keiser called on Mr. Schwab for a status report ([Appendix M](#)) on pharmacy-related litigation and direct and indirect remuneration fees.

Chairman Keiser called on Ms. Alicia Belay, Public Health Specialist, State Department of Health, for a report ([Appendix N](#)) on the status and progress of implementing a public awareness campaign to provide information, public service announcements, and educational materials regarding abandoned infants and approved locations for abandoned infants as required for under Section 2 of House Bill No. 1285 (2019).

Chairman Keiser called on Mr. Kirby Kruger, Director, Disease Control and Forensic Pathology Division, State Department of Health, for a status report ([Appendix O](#)) on the status of the Coronavirus (COVID-19).

PREMIUM TREND STUDY

Chairman Keiser called on Mr. Jeffrey C. Greene, Chief Executive Officer, MedEncentive, LLC, for a report ([Appendix P](#)) on a health literacy incentive program.

The committee reviewed a bill draft relating to biosimilar drugs [[21.0011.02000](#)].

Chairman Keiser called on Ms. Courtney Koebele, Executive Director, North Dakota Medical Association, for comments ([Appendix Q](#)) regarding the biosimilar drug bill draft.

Chairman Keiser called on Ms. Michelle Mack, Director of State Affairs, Pharmaceutical Care Management Association, for comments ([Appendix R](#)) regarding the biosimilar drug bill draft.

The committee reviewed written comments ([Appendix S](#)) of Ms. Margaret Reynolds, State Government Affairs Principal, Cigna, regarding the biosimilar drug bill draft.

It was moved by Senator Hogan, seconded by Representative Anderson, and carried on a roll call vote that the biosimilar drug bill draft, as revised to decrease the notification requirement from 5 days to 48 hours, be approved and recommended to the Legislative Management. Representatives Keiser, Anderson, Dobervich, Fegley, Kasper, Lefor, Meier, Nelson, Paulson, and Weisz and Senators Dever, Hogan, Lee, Mathern, Oehlke, Roers, and Vedaa voted "aye." No negative votes were cast.

The committee reviewed a bill draft relating to drug cost transparency [[21.0006.04000](#)].

Chairman Keiser called on Mr. Daniel Weiss, Senior Executive Director of Pharmacy Benefits, Sanford Health Plan, for comments ([Appendix T](#)) regarding the drug cost transparency bill draft.

Chairman Keiser called on Ms. Reynolds for comments ([Appendix S](#)) regarding the drug cost transparency bill draft.

Chairman Keiser called on Mr. Peter Fjelstad, Senior Director of State Policy, PhRMA, for comments ([Appendix U](#)) regarding the drug cost transparency bill draft.

Chairman Keiser called on Ms. Mack for comments ([Appendix R](#)) regarding the drug cost transparency bill draft.

The committee reviewed written comments ([Appendix V](#)) from Ms. Sara Orrange, Regional Director of State Affairs, America's Health Insurance Plans, and Mr. Alex Sommer, ([Appendix W](#)) Prime Therapeutics, regarding the drug cost transparency bill draft.

It was moved by Representative Kasper, seconded by Senator Lee, and carried on a voice vote to amend the drug cost transparency bill draft to require pharmacy benefits managers to report on rebates passed on to employers.

It was moved by Senator Lee, seconded by Senator Hogan, and carried on a roll call vote that the bill draft, as revised, relating to drug cost transparency be approved and recommended to the Legislative Management. Representatives Keiser, Anderson, Dobervich, Fegley, Kasper, Lefor, Meier, Nelson, and Paulson and Senators Dever, Hogan, Lee, Mathern, Oehlke, Roers, and Vedaa voted "aye." Representative Weisz voted "nay."

GUARANTEED ISSUE STUDY

The committee reviewed a bill draft relating to guaranteed issue of health insurance [[21.0013.02000](#)].

Chairman Keiser called on Mr. Jay McLaren, Vice President of Public Policy and Government Relations, Medica, for comments regarding the guaranteed issue bill draft. Mr. McLaren said he has concerns regarding this bill draft because it fails to address several components of the federal Affordable Care Act (ACA). For example, he said, if the ACA is struck down, what would the transition look like.

Chairman Keiser called on Mr. Dylan C. Wheeler, Senior Legislative Affairs Specialist, Sanford Health Plan, for comments ([Appendix X](#)) regarding the guaranteed issue bill draft. Mr. Wheeler said if the bill draft is intended to be an ACA backstop, he would like more clarity regarding the effective date of the bill and how the transition would occur.

Chairman Keiser called on Ms. Houn for comments regarding the guaranteed issue bill draft. She said Blue Cross Blue Shield supports affordable insurance and there may be unintended consequences with this bill draft which may result in increases in premiums.

The committee reviewed written comments from Ms. Orrange ([Appendix Y](#)) and Ms. Reynolds ([Appendix S](#)) regarding the guaranteed issue bill draft.

It was moved by Senator Dever, seconded by Representative Lefor, and carried on a roll call vote that the bill draft relating to guaranteed issue be approved and recommended to the Legislative Management. Representatives Keiser, Fegley, Kasper, Lefor, Nelson, and Paulson and Senators Dever, Lee, and Oehlke voted "aye." Representatives Anderson and Dobervich and Senators Roers, Hogan, Mathern, and Vedaa voted "nay."

COMMITTEE WORK

It was moved by Senator Dever, seconded by Representative Lefor, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and the bill drafts recommended by the committee and to present the report and recommended bill drafts to the Legislative Management.

It was moved by Senator Vedaa, seconded by Senator Dever, and carried on a voice vote that the committee be adjourned sine die.

No further business appearing, Chairman Keiser adjourned the committee sine die at 2:00 p.m.

Jennifer S. N. Clark
Counsel

ATTACH:25