



**CALIFORNIA  
HOSPITAL  
ASSOCIATION**

*Providing Leadership in  
Health Policy and Advocacy*

August 23, 2019

TO: CHA Members  
FROM: Carmela Coyle, President & CEO  
SUBJECT: Weekly Advocacy Review

No Member Advocacy Call  
August 27, 2019

**FEDERAL**

**Federal Update (O'Rourke)**

Congress is in recess until September 9. CHA members are urged to respond to the federal [Advocacy Alert](#) issued July 31 regarding surprise medical bills.

For additional information, contact Anne O'Rourke at (202) 488-4494 or [aorourke@calhospital.org](mailto:aorourke@calhospital.org).

**Regulatory Update (Keefe)**

CHA issued a [two-part summary](#), prepared by Health Policy Alternatives, on the Centers for Medicare & Medicaid Services (CMS) proposed rule updating the Medicare physician fee schedule, quality payment program, and other Medicare Part B payment policies for calendar year 2020.

For additional information, contact Alyssa Keefe at (202) 488-4688 or [akeefe@calhospital.org](mailto:akeefe@calhospital.org).

**STATE**

**Legislative Update (Scott)**

The focus of activity this week continues to be in the fiscal committees of both houses, as the deadline for legislation to be heard in a fiscal committee is August 30. All activity for the year must be concluded by the September 13 final recess.

*Key bills for next week:*

CHA-opposed **Senate Bill (SB) 227** (Leyva, D-Chino) would create punitive fines for hospitals that don't meet nurse staffing ratios. CHA was able to secure an amendment to provide a structure for the department to consider certain factors when a hospital is found out of compliance. CHA remains

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opposed as we evaluate the political pressures surrounding this legislation. SB 227 will be voted on by the full Assembly.

CHA-support, if amended **Assembly Bill (AB) 5** (Gonzalez, D-San Diego) would codify the *Dynamex* decision, which adopted an “ABC” test for determining independent contractor status. It would also provide exceptions for many professions important to hospital operations (including medicine), using a standard established in a previous court decision (*Borello v. Department of Industrial Relations*). AB 5 will be heard in the Senate Appropriations Committee on August 30.

However, in its current form, AB 5 would prevent health care professionals, other than doctors, from working as independent contractors. To bring attention to this issue, CHA joined a broad coalition of organizations in a Lobby Day at the State Capitol on August 20, advocating on behalf of health care professionals who would be affected by AB 5. The group of more than 60 people — including marriage and family therapists, perfusionists, certified nurse anesthetists, occupational therapists, physical therapists, and psychologists — met with legislators throughout the afternoon, urging support for an amendment that would allow them to continue to work as independent contractors.

CHA-follow, hot **SB 778** (Senate Committee on Labor, Public Employment and Retirement) passed both houses of the Legislature and is on its way to the Governor, who has until October 13 to either sign or veto it. The bill would extend the deadline for providing sexual harassment prevention training to December 31, 2020. It would also allow employers that have provided anti-harassment training to either supervisory or non-supervisory employees between January 1, 2019, and December 31, 2020, to maintain their existing bi-annual training schedule.

Information on priority health care-related bills is available at [www.calhospital.org/legislative-update](http://www.calhospital.org/legislative-update).