



Notes

PCC Member Strategy Call

Thursday, May 25, 2023

12:00 pm ET

1. Welcome

- a. Thank you, as always, for your participation and investment in the PCC.

2. Florida Case Study – Natalie Kato of Kato Law (PCC’s contract lobbyist in Florida)

- a. Natalie is an attorney and has been a lobbyist in Florida for 13 years. Much of her work on Florida legislation concerns professional licensing and certification.

b. *Political Climate in Florida*

- i. The last election resulted in a Republican legislative supermajority – while continued Republican dominance of Florida’s government was expected, the margin was wider than the polls anticipated. Governor Ron DeSantis won reelection by a 20-point majority. A contributing factor may have been that Democrats did not make significant investments in Florida during the 2022 election.
- ii. As a result, Republican elected officials feel they have a mandate to govern in a much more conservative fashion than in previous years. The current Speaker of the House, Paul Renner, has been an unapologetic supporter of groups, such as Americans for Prosperity, that have advocated for licensing deregulation for several years. He has supported bills calling for the review and repeal/sunset of licensing regulations. The legislature has also sought to bolster Gov. DeSantis’ presidential prospects via legislation.

c. *Universal Licensure — S.B. 1364/H.B. 1333*

- i. Due to Speaker Renner’s focus on deregulation, when S.B. 1364 was filed providing alternative pathways to licensure in Florida, there was a sigh of relief from opponents for two reasons (1) it was not an attempt at a global licensing sunset and (2) the bill was considered to be poorly written, leading to the belief that it would not be passed.
- ii. In the Senate (S.B. 1364), there were several amendments made to the bill. Initially, the bill proposed that if an applicant was licensed in another state, the applicant would automatically get a license in Florida after a year. If the applicant did not have a license but had a private certification, the applicant would automatically receive a license in Florida after two years. This was problematic because, among other reasons, there are some occupations that take upwards of five years to receive a license (e.g., design professions). Amendments only made the process of licensing by endorsement and the timeline for licensure more unclear.

- iii. In the House (H.B. 1333), in the last committee meeting, many professions were carved out from the bill (including health practitioners and design professions).
- iv. Although both bills died, Pillsbury and Kato Law anticipate meeting with the Senate sponsor to propose language for next year because there is a strong belief that the bill will return next session.

d. Medical Conscience — S.B. 1580/H.B. 1403

- i. S.B. 1580 includes provisions that allow Florida to strip state recognition from private healthcare specialty certification organizations for revoking the certification of a certificant “because the individual has spoken or written publicly about a health care service or public policy” outside a specific patient relationship. This provision came fully formed from the Governor’s office with no room for changes, which has been a trend for bills that are a political priority for the Governor. As such, health care organizations understood there was very little that could be done to stop the bill’s progression.
- ii. As the bill is now enacted and will proceed to the rulemaking stage, we anticipate that there will be opportunities to work with state boards to implement it in a way that is workable. The legislation allows but does not require withdrawing state approval of private certification organizations.
- iii. There are longstanding rules that healthcare professionals are not required to participate in procedures (e.g., abortions or physician assisted suicide) that they object to on the basis of conscience.

3. Updates on State Legislative Activity

- a. State legislative activity has slowed as many state legislative sessions have come to an end.
- b. Updated watchlists and the executive summary are on the For Members portion of PCC website, so we’ll highlight only a few on this call.
- c. First Amendment interference — NC S.B. 641/H.B. 819*
 - i. These bills go further than the medical conscience bills introduced in Florida. Here, there is a direct impact on private certification organizations. The bills would define taking an adverse action against any healthcare provider who refuses to participate in a healthcare service on the basis of conscience as discrimination. Adverse action includes revoking a certification.
 - ii. A healthcare service is defined to include referring a patient elsewhere or admitting a patient to provide a healthcare service (e.g., an intake desk employee admitting a patient, even though they are not directly participating in the service).
 - iii. The PCC views this as a direct intrusion into the First Amendment rights of private organizations. The language is also internally inconsistent because it

states that private organizations should not be required to act contrary to their moral or ethical beliefs/principles or contrary to their published ethical guidelines, directives, policies, or regulations. However, it prohibits a private organization from taking action to enforce their codes of ethics, even if a provider’s refusal to refer a patient on conscience grounds violates ethical standards of care.

- iv. These bills are still in the first chamber. However, Republicans recently gained a supermajority in the North Carolina legislature due to a Democratic legislator switching party affiliation, allowing them to override vetoes made by Democratic Gov. Roy Cooper. This lawmaker has been voting on a party line basis since her party switch.

d. *Ex-Offender Reentry (variant) — Wisconsin S.B. 191/A.B. 202*

- i. As a recap, these bills would permit the Wisconsin Department of Safety and Professional Services to outsource its responsibility of initially investigating applicants for licensure to the employer of an applicant to determine whether the applicant has a criminal conviction history or not and to determine whether any criminal conviction is relevant to license determination.
- ii. This is an invitation to applicant fraud and to inconsistent eligibility determinations for licenses. We oppose this legislation.

State	Bill Number	Category	Last Movement	Notes
Florida	HB 1403/SB 1580	First Amendment Interference	05/01/2023	Enacted (SB 1580)
Florida	SB 1124	Ex-offender Reentry	05/05/2023	Failed
Florida	HB 1443	Ex-offender Reentry	03/09/2023	Failed
Indiana	HB 1343	Review and Repeal	05/01/2023	Enacted with amendments (now Medium Priority)
Massachusetts	H 348/HD 2527, SD 2536	Ex-offender Reentry	05/15/2023	Passed First Chamber (SD 2536)
Missouri	SB 88	Universal Licensure/Reciprocity	05/08/2023	Failed
Missouri	HB 489	First Amendment Interference/Viewpoint Restriction	05/05/2023	Failed
Missouri	SB 410	First Amendment Interference/Viewpoint Restriction	04/06/2023	Failed
Missouri	SB 347, HB 352, SB 531, SB 371	Clean Slate	04/26/2023	Failed
Nebraska	LB 16	Ex-offender Reentry/Reciprocity	04/18/2023	Still in first chamber
North Carolina	SB 641/HB 819	First Amendment Interference/Viewpoint Restriction	04/06/2023	New since our last call Still in first chamber
Texas	HB 3714	Review and Repeal	03/20/2023	Still in first chamber
Texas	SB 1714	Ex-offender Reentry	03/16/2023	Still in first chamber
Washington	HB 1301	Review and Repeal	05/11/2023	Enacted
Wisconsin	SB 191/AB 202	Ex-offender Reentry (variant)	05/10/2023	Still in first chamber

4. Updates on Federal Legislative Activity

- a. Freedom to Invest in Tomorrow's Workforce Act (H.R. 1477/S. 722)
 - i. We continue to have numerous conversations with our bill sponsors: Congressman Rob Wittman (R-VA) and Congresswoman Abigail Spanberger (D-VA) on the House side and Senator Amy Klobuchar (D-MN) and Senator Mike Braun (R-IN) on Senate side regarding building greater support for the bill and charting a path for its advancement.
 - ii. ASAE and PCC have participated in numerous meetings with potential co-sponsors and the bill now has 17 co-sponsors on the House side (11 Democrats and 6 Republicans) and 8 co-sponsors on the Senate side (5 Democrats and 3 Republicans).
 - iii. ASAE and the PCC are working to establish an informal coalition that would focus specifically on getting this bill passed. PCC members and non-PCC members are encouraged to join this coalition. Please be on the lookout for further information about joining.

5. Stakeholder Outreach

- a. As legislative sessions wind down, our engagement with stakeholder organizations (e.g., advocacy groups, think tanks, membership organizations for legislative officials) tends to ramp up. In the coming months, the PCC will be attending events and scheduling meetings with key stakeholder groups to see what issues are percolating and where there is common ground.

6. Discussion on Membership Dues for Next Fiscal Year

- a. At our March in-person meeting, we discussed the expanding breadth and depth of the PCC's activities since its founding, including expanding to more active work on federal issues and addressing a broader array of state-level issues. This expansion of our scope of work has occurred without a parallel increase in dues over the past five years.
- b. After continuing that conversation with the PCC Steering Committee, we are announcing a modest, 5% increase in dues at the start of the next fiscal year, in July 2023. We encourage PCC members to reach out with any questions or comments regarding the dues increase and thank you all for your ongoing participation in the Coalition.