

The Health Law and Policy Issue:

The General Assembly in the State of Albacore is considering a bill that would mandate that at least 30 percent of a hospital's caregiver workforce speak Spanish. The legislation would impose the 30 percent requirement 18 months after the bill is passed. Hospitals that fail to meet the 30 percent threshold would receive only 50 percent of the Medicaid reimbursement the hospitals would otherwise be eligible to receive. The General Assembly believes this mandate will help improve the quality of care in Albacore and, specifically, provide culturally competent care for patients. The Health Committee of the General Assembly is soliciting input on the proposed bill.

You are the head of contracting for Hospital Bass. Your CEO, Ms. Executive, has asked you to review the proposed legislation and take a position on what the hospital should do. Specifically, she would like you to produce a policy memorandum for her review.

Before you begin drafting the memorandum, you meet with Mr. Carp, director of human resources for Hospital Bass. Mr. Carp informs you that approximately 15% of your caregiver workforce speaks Spanish. There is a shortage of caregivers who speak Spanish and a shortage of certified medical interpreters in State ABC. In order to recruit more caregivers who speak Spanish, Mr. Carp believes that Hospital Bass would have to pay the caregivers substantially more than current caregivers are being paid. He also thinks you might want to know that some caregivers at Hospital Bass are unionized and some are not.

Next, you ask to meet with Mr. Flounder, the director of revenue cycle for Hospital Bass. He declines to meet with you, but leaves you some notes about reimbursement. Hospital Bass's reimbursement mix is typically one third Medicaid, one third Medicare, and one third commercial. In addition, Hospital Bass's major competitor is Hospital Grouper. Two percent of Hospital Grouper's workforce speaks Spanish. After reading Mr. Flounder's notes, you believe that Hospital Grouper cannot afford to recruit more caregivers who speak Spanish.

Lastly, you review Hospital Bass's annual report. The report gave you more information about Hospital Bass's service area. The State of Albacore is bordered by two other states: the State of Mackerel and the State of Tilapia. Patients in Hospital Bass's service area also travel to hospitals in Mackerel and Tilapia. The report noted that hospitals in Mackerel and Tilapia also recruit from the same pool of caregivers as Hospital Bass.

You managed to dig up these additional facts, which may help you determine what recommendations to make to Ms. Executive:

- Hospital Bass does not survey its patients to determine whether they are satisfied with the care they are receiving and whether the patients believe culturally competent care is being delivered.
- Payers in the State of Albacore have resisted paying more for certified medical interpreter services in the past. No payers have commented on the proposed legislation at this time.
- The boards of nursing, medicine, and pharmacy in the State of Albacore are presently considering whether to add continuing education requirements for cultural competency to state licensure requirements.

- Approximately 40% of the patients who use Hospital Bass's emergency department on an annual basis self-report that Spanish is their primary language.
- Approximately 15% of the patients who use Hospital Bass's urgent care department on an annual basis self-report that Spanish is their primary language.
- Approximately 5% of the patients who use primary care in Hospital Bass's service area on an annual basis self-report that Spanish is their primary language.
- The Albacore Hospital Association opposes the bill.

The Health Law and Policy Issue:

The State of Evergreen adopted comprehensive immunization legislation 60 years ago. The legislation addresses compulsory immunization requirements for children attending public school and for healthcare workers. The language mandating compulsory immunizations for children makes available two exemptions: one for firmly held religious beliefs and the other for medical safety reasons. The only exemption available for healthcare workers is the exemption for medical safety reasons. The legislation has remained largely intact and without modification since it was passed.

Three major counties in the State of Evergreen—Cedar, Fir, and Pine—experienced large whooping cough outbreaks during the past year. Two children and one adult died in the outbreaks. It is unclear whether any of the three had been vaccinated against whooping cough. In the past 10 years, Pine County experienced a measles outbreak and several particularly bad flu seasons. Cedar County and Fir County experienced occasional measles outbreaks.

In response to the outbreaks, the Evergreen Legislature is considering legislation to remove the exemption for firmly held religious beliefs. If the legislation passes, public schools will continue to be responsible for enforcing the immunization requirements.

The Tourism Bureau in Evergreen looked at statistics for the last 10 years and concluded that tourism to the state was negatively impacted by the outbreaks. As a result, the business community largely supports the proposed legislation. Elected representatives from Cedar County and Fir County oppose the bill. Several large congregations in those counties oppose vaccinations on religious grounds. Representatives from Cedar and Fir Counties have sponsored a bill to add a third exemption to the existing immunization legislation. That provision would allow parents to exempt their children from vaccination if they have a “personal objection” to the vaccine or vaccines.

School nurses in all three counties are concerned about public backlash if the religious exemption is removed from the law. School administrators are worried that they will not have the funds and staff power to enforce the more restrictive immunization requirements. Funding is lean as it is. The state association of school administrators has argued in the past that it is difficult to enforce the immunization requirements. It is hard to ban a child from school if he or she is not sick.

The primary care association in Evergreen was asked to provide comment on the proposed legislation. While the association refused to comment on the legislation, the association offered the following statements for consideration:

- It is expensive to purchase and maintain a supply of vaccines in a primary care office.
- Many primary care offices (including pediatric practices) are choosing not to administer vaccinations.
- The practices send their patients to public health departments for vaccinations.
- Public health departments do not know when a patient has been referred for vaccinations. There is no regional health information exchange or shared electronic medical record system.
- Public health departments in Evergreen cannot bill commercial insurance plans for administration of vaccines.

You are a policy aide employed by the State of Evergreen. Your supervisor—the governor’s special advisor on health—has asked you to review the proposed legislation, consider all relevant perspectives and facts, and draft a policy memorandum. Specifically, your memorandum must make a recommendation regarding whether the governor should support the legislation, oppose the legislation (and veto it if passed), or take some other action. Be sure your policy memorandum addresses both pieces of legislation discussed above.

The Health Law and Policy Issue:

Aspen County is in the State of Golden. The State of Golden opted not to participate in Medicaid expansion. Its Medicaid program pays for services on a fee-for-service basis. The three Aspen County Commissioners largely support the decision not to expand Medicaid. In general, voters believe that the less government involvement in their lives, the better. Recent Aspen County polling data indicates that if given an opportunity, voters in Aspen County would like to discontinue all public health services in the county.

Healthcare providers in Aspen County report that their payer mixes are shifting. On average, providers in the area (including Aspen County Hospital) have traditionally served 1/3 Medicare patients, 1/3 commercial patients, and the remaining percentage split between Medicaid and uninsured patients. Recently, providers report that they are delivering more uncompensated care and have fewer commercially insured patients. Providers in for-profit settings are particularly concerned about this development.

Basalt Primary Care, the largest primary care practice in Aspen County, has decided to terminate its uninsured and Medicaid patients. Basalt Primary Care reports that its doctors can no longer afford to take Medicaid rates or receive no payment for services. Wait times for Basalt Primary Care's remaining patients average less than one week for the next available appointment. Same-day appointments are occasionally available.

Other primary care practices report the following average wait times for next available appointments:

- 1–2 weeks for commercially insured patients
- 1–2 weeks for patients willing to pay cash up-front for services
- 3–5 weeks for Medicare patients
- 6–9 weeks for Medicaid patients

Wait times are rumored to be shorter at school-based clinics and urgent care clinics throughout Aspen County, but no data is collected about wait times at these facilities.

The federal government has made grant funds available for primary care practices and public health departments to hire enrollment assisters for up to two years. The assisters go through training (paid for by the grant funds) to help patients enroll in Medicaid or Medicare, or purchase insurance coverage in a marketplace. The federal government pays salary and benefits for the enrollment assisters. The only out-of-pocket costs to the primary care practices and public health departments are workspace and supplies. The grant funds are available directly from the federal government and are independent of any other healthcare reform funds.

You are the director of the Aspen County Public Health Department. The department also serves as a federally qualified health center, which provides primary care services to uninsured, underinsured, and Medicaid patients. Your board of directors has ordered you to brief them on the grant funding and recommend a course of action. Specifically, the board chair has asked you to produce a policy memorandum for the board's review.