Lawsuit Challenges State Law Regarding Aid in Dying
New bill seeks similar change in California law

A Los Angeles-based advocacy group has filed a lawsuit challenging the state’s ban on assisted suicide in the latest development in a growing death-with-dignity movement.

The lawsuit filed in San Francisco Superior Court states that a ban on physician-assisted aid in dying for terminally ill patients violates the rights of due process and equal protection under the California state constitution. It also claims that current law in California does not specifically ban physician-assisted suicide.

The lawsuit was filed by Disability Rights Legal Center (DRLC) on behalf of a group of cancer patients and physicians who reside in California.

"Plaintiffs seek a declaration that a physician who provides aid in dying to a mentally competent, terminally ill patient who has requested it is not criminally liable under California’s Assisted Suicide Statute," the complaint states.

In a press conference at UC Hastings College of Law, plaintiff Christie White, 53, said she’s been battling cancer for seven years and that her leukemia is now in partial remission. But if the cancer recurs, White said she has few treatment options left and that a recurrence would be a "medical death sentence" for her. "I am suing the state of California to remove the legal barrier between my doctor and myself to help me achieve a peaceful and dignified death at the time and place of my choosing," White said.

DRLC has represented plaintiffs in similar cases in other states including Montana, which is one of five states that allows physician-assisted suicide. "It is time for California to clarify that suffering, dying patients have the right to choose a peaceful death through aid in dying," said DRLC executive director Kathryn Tucker, adding that "physicians should not fear prosecution for providing such patients aid in dying."

In January, state senators Bill Monning (D-Carmel) and Lois Wolk (D-Davis) introduced Senate Bill 128. Dubbed the End of Life Option Act, the bill would allow a terminally ill patient to request a physician to assist them in
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Lawsuit Challenges cont.

ending his or her life. "The time is right for California to advance the conversation about end-of-life options," said Monning. "We are working together to establish a process that honors a patient’s right to make informed decisions."

The bill is likely to meet resistance from religious groups and other organizations that are against the concept of physician-assisted aid in dying. "I do not question the good intentions of SB 128’s proponents," said Ira Byock, MD, chief medical officer for the Providence Institute for Human Caring. "However, I do believe that deliberately ending the lives of ill people represents a socially erosive response to basic human needs."

The bill is also opposed by Californians Against Assisted Suicide. The California Medical Association, which in the past has opposed the concept of physician-assisted aid in dying, has not yet taken a position on SB 128.

While the bill is likely to face an uphill battle in the state legislature, Tucker said the aid-in-dying issue should be decided by the courts and not politicians. "We’re hopeful the court will fulfill what is quintessentially the court’s responsibility, not the legislature’s, which is to determine the scope of existing law," said Tucker.

Death with dignity and physician-assisted suicide have become hot-button topics since the 2014 death of Brittany Maynard, a 29-year old woman with terminal cancer who moved from California to Oregon to take advantage of that state’s Death with Dignity Act. Maynard posted updates of her experience on social media and attracted a large following. New York state legislators in February introduced a bill called the New York End-of-Life Options Act, which would enact changes similar to those sought by SB 128. —DOUG DESJARDINS

Covered California Expects to Meet Open Enrollment Goal

Exchange officials say 473,000 residents enrolled so far

Covered California expects to meet or exceed its goal of enrolling 500,000 people in private health plans for the second open enrollment period that ended Feb. 15.

The health exchange said that, as of Feb. 15, more than 473,000 people had successfully enrolled for coverage and that people who had started the application process by the Feb. 15 deadline were given until Feb. 22 to complete their applications. Covered California executive director Peter V. Lee said a late surge should push the finally tally beyond 500,000.
Covered California cont.

“On Sunday [Feb. 15] alone, we had more than 36,000 people enroll for coverage, which is the largest single-day total we’ve ever had,” said Lee. “And with thousands of people starting the application process before the deadline, we’re confident that we’ll easily break our goal of 500,000 for the open enrollment period.”

Covered California had granted a five-day extension for people who started the application process for buying insurance before midnight on Feb. 15 but extended it to seven days to correspond with federal guidelines. “The federal government established a Feb. 22 extension for applicants so, to avoid any confusion, we changed our deadline to Feb. 22 as well,” said Lee.

More than 779,000 state residents enrolled for coverage under Medi-Cal expansion during the three-month open enrollment period to go along with the 473,000 people enrolling in private plans. “That means we have expanded the number of insured residents in the state by more than 1.2 million during the past three months,” said Lee.

Before the current open enrollment period began, Covered California said it hoped to have most of the 1.2 million people who purchased coverage last year renew their plans, along with 500,000 new members for a combined total of 1.7 million. But now it appears that total will be closer to 1.4 million. Lee said the original goal was “not realistic” given the nature of the market and that 949,000 people renewed their coverage in the past three months.

At the start of open enrollment in November 2014, slightly more than 1 million of the 1.2 million people who purchased plans last year were still insured. Lee said about 85,000 people had become eligible for Medi-Cal and that others dropped out for a variety of reasons. "We saw that every month about 2% of the people who purchased coverage dropped out for a number of reasons that included gaining employer-based coverage or qualifying for Medi-Cal,” said Lee.

He said enrollment goals for the next open enrollment period that will run from Oct. 1 to Dec. 15 will be more modest because “so many people in the state now have coverage.” In July 2014, a Commonwealth Fund report found that only 11% of state residents were uninsured compared to 22% in August 2013. In addition to 1.2 million people enrolling for private plans in 2013-14, more than 2 million people were enrolled in Medi-Cal under Medicaid expansion.

Healthcare.gov, which handles open enrollment for 37 states that don’t have stand-alone exchanges, estimates that 11.4 million people had either renewed plans or signed up for coverage from Nov. 15, 2014 to Feb. 15. —DOUG DESJARDINS
Scripps will partner with Sotera Wireless, Rhythm Diagnostic Systems, and PhysIQ to develop a system to allow physicians and nurses to monitor Ebola patients remotely. "The new approach will provide unprecedented visibility into a patient's physiology that we believe will be invaluable to improving care and minimizing risk of exposure during an Ebola virus outbreak," said Steven Steinhubl, MD, director of digital medicine for Scripps Health. "This will open the door to being able to identify warning signs very early on, when potentially lifesaving care can be provided." The effort will be funded through a grant from the U.S. Agency for International Development.

The number of measles cases in California continued to increase last week but at a slower rate. The California Department of Public Health (CDPH) said there are currently 119 cases of measles in the state compared to 109 the previous week. Of the people who came down with measles, 39 visited Disneyland in mid-December 2014 where the outbreak started and 69 cases are among people aged 20 and older. Orange County has the largest number of cases with 35 followed by Los Angeles County with 21. Measles cases have also been reported in 19 other states and in Mexico and Canada.

Anthem Blue Cross has hired the firm AllClear ID to provide two free years of credit monitoring and identity theft services to people impacted by

The report states 915,000 State Residents Taking Part in ACOs

Number expected to increase to 1.3 million by 2016

A new report on accountable care organizations (ACOs) estimates nearly 1 million state residents are participating in public and private ACOs and that nearly 400,000 additional members will join by 2016.

The report from the Berkeley Forum for Improving California’s Healthcare Delivery System at the UC Berkeley School of Public Health estimates the state had 67 ACOs in progress in 2014 and that many organizations will continue to expand. "The next few years are likely to bring continued growth and diversity in accountable care models that move increasingly toward being paid for meeting cost and quality targets," said Stephen Shortell, lead author of the report and a professor at the UC Berkeley School of Public Health.

The report notes that the proliferation of ACOs in the state really began to pick up speed in 2012. "From August 2012 to February 2014, the number of active ACOs more than doubled from 26 to 67 statewide." During that period, the Central Valley/Central Coast and Los Angeles areas each added 13 ACOs in the span of 19 months.

Los Angeles had the most health plan members participating in ACOs with approximately 324,000 in February 2014, a number the report estimates will increase to 525,860 by February 2016. The report predicts the Central Valley will have the most rapid growth with membership increasing 87% to more than 192,000 in 2016. During that same time period, the Orange County-San Diego region will see only 12% growth from 184,400 participants in 2014 to 206,640 in 2016.

Overall, the report estimates the number of people participating in ACOs statewide jumped from 514,000 in 2012 to more than 915,000 in 2014 and that "if current trends continue, by February 2016, over 1.3 million Californians will be covered under an ACO contract, an increase of 48% from February 2014." The majority of ACO participants in the state (about 483,000) are taking part in Medicare programs with the remainder taking part in commercial ACOs. By 2016, those numbers are expected to increase to 708,000 for Medicare ACOs and 648,000 for commercial plans.

Anthem Blue Cross and HealthCare Partners Associates Medical Group operate the largest commercial ACO in the state with more than 60,000 members in Southern California. Hill Physicians Medical Group, Dignity Health, and Blue Shield of California have the second-largest with 40,000 members in Sacramento and the Bay Area. Anthem Blue Cross and Blue Shield are each taking part in more than a dozen initiatives. —DOUG DESJARDINS
a data breach that exposed the personal data of millions of current and former health plan members. Anthem said it is still investigating the source of the breach, which was discovered on Feb. 4. Anthem said a hacker gained access to data by stealing an employee’s user ID and password. Information exposed in the attack included dates of birth and Social Security numbers. The insurer with more than 38 million members has not determined how many people were affected by the breach. The Identity Theft Resource Center said the breach will likely be the largest ever reported in the healthcare industry.

» Oakland Children’s Hospital has agreed to settle a lawsuit filed by the U.S. Equal Employment Opportunity Commission on behalf of a former employee alleging wrongful termination. According to a report in the San Francisco Chronicle, the settlement approved by a federal judge in San Francisco will award $300,000 to former employee Imelda Tamayo, who was diagnosed with breast cancer in December 2011 and took a two-month leave to recover from surgery and treatment. The lawsuit alleges that shortly after Tamayo requested an extension for additional time off to recover, her position as an office worker was terminated. As part of the settlement, Oakland Children’s Hospital agreed to offer extended leave to employees with serious medical conditions and to train managers on issues regarding discrimination against the disabled. In statement, Oakland Children’s Hospital said that “we take employment law obligations seriously and have worked to resolve the complaint to everyone’s satisfaction.”

» The California Telehealth Network (CTN) has partnered with Solix Inc. in an effort to secure more federal funding for its telehealth initiatives. Solix is a provider of program administration and complex application services with experience in the federal government’s Rural Health Care (RHC) program. “With a relatively small amount of RHC subsidies coming into California right now, Solix’s depth of experience with the program adds great value for our growing network of health-care providers and will help bring more broadband funding for rural and safety-net providers in California that are most in need,” said CTN president and CEO Eric Brown. CTN hopes to double the amount of RHC funding it receives each year.

» Some patients treated at UCLA Ronald Reagan Medical Center may have been exposed to an aggressive bacteria linked to two recent deaths. According to a report from the Los Angeles Times, UCLA discovered the outbreak last month while running tests on patients who had undergone endoscopies using a duodenoscope, a specialized endoscope used to treat digestive tract ailments. The bacteria has been identified as carbapenem-resistant Enterobacteriaceae (CRE). UCLA is running tests on 179 patients who underwent procedures using duodenoscopes from October 2014 to January 2015. In a statement, UCLA said CRE may have been a “contributing factor” in the recent deaths of two patients and that UCLA is now “utilizing a contamination process that goes above and beyond the manufacturer and national standards.”
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Education/Experience: Bachelor’s degree in Nursing, related field or equivalent experience. 3+ years of nursing or quality improvement experience.

License/Certification: Current state’s RN license.

Director, Contracting

Coordinate, negotiate and handle activities of the provider contracting, network development and/or provider relations functions and aid in formulating and administering organizational policies and procedures. Negotiate large hospital, physician groups and ancillary service agreements in accordance with Corporate, health plan and government regulations and guidelines.

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Education/Experience: Bachelor’s degree in Business Administration, Health Care Administration, related field or equivalent experience. 5+ years of related experience negotiating hospital, large physician groups and ancillary service agreements and external customer service for providers. Experience in marketing/sales, medical economics in a managed care or insurance environment. Previous management experience including responsibilities for hiring, training, assigning work and managing performance of staff.

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