



Legislative Solutions: 2017 Virginia and North Carolina Legislative Preview

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Business leaders recognize the importance of seeking legal counsel to navigate the complex laws and regulations governing health care. However, changing business practices to comply with the legal landscape can be costly, time consuming and not without its own set of risks. The legislative process provides an alternative path for compliance. Simply put, there are times where changing the law is a better solution.

Using the legislative process to resolve issues is an often overlooked opportunity. A strong government affairs effort at the state level allows providers, payors and other businesses to pursue changes to laws that negatively impact their businesses or prevent laws from passing that would unnecessarily increase regulatory burdens.

The following is an update on Virginia's and North Carolina's 2017 legislative sessions, and key policy issues that will be under consideration in both states.

VIRGINIA

Virginia's 2017 legislative session is commonly referred to as a "short session" because the General Assembly will only meet for 45 days beginning January 11, 2017. The General Assembly will propose amendments to its two-year budget and consider a number of bills.

Significant health care legislative consideration to eventually reform Virginia's Certificate of Public Need program, address the opioid epidemic, reform the mental health system and debate Governor McAuliffe's effort to expand Medicaid have long been expected during the 2017 session. However, Donald Trump's victory in the presidential election combined with Republicans maintaining control of both chambers of Congress has the potential to alter the health care landscape at the state level significantly. The impact the election has on the 2017 General Assembly session and various issues is unknown at this time.

All 100 members of the House of Delegates are up for reelection in 2017. In addition, Virginia will elect its next Governor, Lieutenant Governor and Attorney General.

NORTH CAROLINA

In North Carolina, the 2017 legislative "long session" convenes January 11, 2017. North Carolina does not have session limits, so it is uncertain how long the session will last. Having said that, the legislature will develop a new two-year state budget this session so we anticipate the session stretching at least into July. Bill introduction and crossover deadlines will be finalized once each chamber adopts its rules during the first day of session.

All 170 legislative seats were on the ballot in early November. Democratic Attorney General Roy Cooper unseated the Republican incumbent, Governor Pat McCrory. However, Republicans maintained their super-majorities in both chambers which give them enough votes to override any gubernatorial vetoes.

In general, the significant health care policy issues in play this session include behavioral health reform, potential adjustments to the Medicaid reform legislation adopted two years ago and an attempt by the Senate to repeal the state Certificate of Need law.

Should you have any questions, please contact Matthew M. Cobb, Partner, Health Care, at mcobb@williamsmullen.com; Nicole L. Pugar,* Government Affairs Director, Government Relations, at npugar@williamsmullen.com; or Richard A. "Rick" Zechini, Partner, Government Relations, at rzechini@williamsmullen.com.

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