

## Sen. Rachael Cabral-Guevara Discusses top health care issues with WHA Board, including Price Transparency and Guardianship

State Sen. Rachael Cabral-Guevara (R-Appleton) joined the Wisconsin Hospital Association (WHA) board of directors meeting on Feb. 8 to provide insight into priority health care issues brought forth to the state legislature this session. Cabral-Guevara chairs the Senate Committee on Health and is a co-chair alongside Sen. Jesse James (R-Altoona) on the Senate Committee on Mental Health, Substance Abuse Prevention, and Children and Families.



*Sen. Rachael Cabral-Guevara presents to WHA's board of directors.*

WHA President and CEO Eric Borgerding introduced Cabral-Guevara and thanked her for her partnership on key issues related to health care workforce, price transparency and long-term care.

In her opening remarks, Cabral-Guevara reviewed her health care background as a nurse practitioner and noted "I am the only one on the Senate health committee who actually has health care experience."

She reiterated the partnership she has with WHA in coming together on solutions. "I appreciate working with WHA because you come to me and say, 'here's the issue and here's what we think we can do to make this better,'" Cabral-Guevara said.

Cabral-Guevara invited discussion from the board on ways she can be helpful in terms of affordability and access.

Aurora St. Luke's Medical Center President Carrie Killoran explained the growing problem of delayed discharge issues and how next-of-kin priority order legislation currently facing the state legislature would help to alleviate the access issues it is causing.

"Guardianship proceedings create tremendous obstacles for our staff and our patients. Because of the court backlog, patients and families need to wait at least 6-8 weeks for a hearing. That is a hearing taking up a bed from other members of the community who need it," said Killoran. "I encourage your support for this next-of-kin legislation. It would make a meaningful difference."

While guardianship is one issue contributing to delayed discharges, other contributing factors are skilled nursing facilities' capacity to take on the demand and their ability to turn away patients. "Hospitals do not have the ability to turn away patients who do not have a payer source. We take all patients regardless of their ability to pay, and we keep them regardless of their ability to pay," said Beloit Health System President and CEO Tim McKeveitt.

Borgerding reinforced the issue of payer source saying, "Two-thirds of nursing homes in Wisconsin are for-profit. They have



reimbursement issues, too, of course. However, rather than pumping money into the system, we need to develop targeted solutions and make sure there is some accountability.”

Borgerding then shifted the discussion to price transparency, thanking the senator for her supportive position on the topic. Cabral-Guevara reiterated her support for more price transparency in health care while recognizing hospitals for the progress that has been made.

“Transparency was almost impossible 10 years ago, but now you can do that. The compliance we are seeing is amazing. I thank you for making it easier for folks to know pricing information,” said Cabral-Guevara. “But when this bill came out, I noticed it just focused on hospitals, and I saw that as inappropriate. I very much believe in transparency, but if we’re going to do this, you need to include self-payers and insurers.”

Reedsburg Area Medical Center President and CEO Bob Van Meeteren said, “Senator, we appreciate your position on this. My concern is this bill adds confusion and complexity as to which set of regulations apply where and which agency is looking at us.”

While the bill is thought by its supporters to enable the “free market” in health care, Borgerding argued that the free market in third-party payer system is having a negative impact on the ability of local hospitals to do their jobs. He used the example of for-profit surgery centers that have no emergency departments and can choose to not take patients who are on Medicaid or are uninsured.

“This is undercutting the local hospital which may have a payer mix of 70% government. If transparency is to help the free market operate, then we need to talk about the ramifications of the free market. You can’t pretend to have a free market and then ignore that these impacts hurt those of us who do provide these safety net services that lose money in the free market,” said Borgerding.

McKevett emphasized Borgerding’s point saying, “Help us get on an even playing field. Just a one-point shift in commercial insurance elsewhere can cost us hundreds of thousands a month, adding up to millions in a year. Competition is good, but we need to hold them to the same standards.”

Prairie Ridge Health President and CEO John Russell added, “Reimbursement is lumpy. We lose money on some things and make money on others. Our surgery helps keep things going. Private equity has that figured out and when a surgery center opens up and they take those patients, we have no recourse but to drop the losing services to stay afloat.”

Drawing on the hospital closures in western Wisconsin, Stoughton Health President and CEO Dan DeGroot said, “HSHS showed us there is a tipping point that you just can’t come back from. Those hospitals have been there over 100 years, and they’re not coming back.



*WHA's board of directors meeting, Feb. 8, 2024.*

For the remainder of the meeting, WHA staff provided various updates to the board. Borgerding presented WHA’s annual goals document outlining the priority areas of focus for 2024, calling special attention to WHA’s statewide messaging campaign promoting health care careers, key policy areas on both the state and federal level, and goals for the Wisconsin Hospitals State PAC and Conduit.

WHA Vice President of External Affairs Kari Hofer updated the board on WHA’s statewide workforce promotion campaign, [So Many Options](#), which [launched](#) on Feb. 7. The campaign will use digital advertising targeted towards middle and high school aged

students for the purpose of sparking their interest in pursuing a career in health care. *So Many Options* highlights the variety of career opportunities and educational pathways available in the health care industry, and specifically in Wisconsin hospitals.

Hofer shared examples of the digital ads featuring real Wisconsin health care workers and reviewed resources developed for members and partners to engage in this campaign. "This campaign is a product of our members and was developed with your feedback in mind. We invite you to join us in this campaign. Use the customizable digital assets we've created and insert individuals from your own hospital to bring local context to this campaign," said Hofer.

Hofer also gave an update on plans for WHA's upcoming Advocacy Day taking place on March 20 in Madison. AHA President and CEO Rick Pollack will be this year's keynote and Gov. Tony Evers has been invited to speak during the luncheon. Hofer reminded the board that there is no cost to attend Advocacy Day, but pre-registration is required.

She asked leaders to encourage their teams to participate in important legislative visits. "Registration is up and running," said Hofer. "It's been quite a year for health care and this is our day to tell our story with a strong showing at the Capitol."

The Health Care Quality Showcase will also be taking place at the Capitol during the legislative visits. "This is a great opportunity to showcase to lawmakers, the public and your peers the great work that has been done in the health care quality improvement space," said Hofer. If your hospital would like to feature your health care quality improvement initiatives at Advocacy Day, contact WHA's Chief Quality Officer Nadine Allen.

WHA Senior Vice President of Government Relations Kyle O'Brien provided an update on state legislative accomplishments and top priorities still in play as the 2023-24 Legislative Session comes to close in the next couple weeks.

O'Brien shared the multi-faceted response strategy WHA has deployed in defending hospitals against SB 328, the bill that would create duplicative state-level regulations on hospitals related to price transparency. The strategy utilized a variety of published op-eds and digital ads, including a newly developed campaign called "[The Truth on Transparency](#)," aimed at dispelling the myths interest groups from outside Wisconsin are telling state lawmakers and the public about hospital price transparency. WHA produced two videos featuring real people telling the true story about hospital price transparency in Wisconsin.

"At this point, with legislative session ending soon, SB 328 is not going anywhere," said O'Brien. "However, we expect this to be an ongoing issue."

O'Brien further discussed other policy attacks on hospitals that have come to light in recent weeks. Senator Chris Larson (D-Milwaukee) introduced the "Fair Share Hospital Act" which would prohibit hospitals from receiving a property tax exemption if their total amount of charity care provided each year is less than that amount of property taxes that would have been levied against the hospital's property. "This is another example of legislation that will not go through this session, but we need to be prepared for this issue down the road," said O'Brien.

The Worker's Compensation Advisory Council approved a bill requiring the Wisconsin Department of Workforce Development to establish a medical fee schedule by July 1, 2024. O'Brien touched on top-level components of the bill which determines the fee schedule based on the average payment made by fully and self-insured plans, along with average cost-sharing.

"All of this, despite worker's comp premiums consistently decreasing every year since 2016 which amounts to over \$860 million in savings to employers since 2017," said O'Brien.

"WHA is working alongside the Wisconsin Medical Society, Wisconsin Physical Therapy Association and the Wisconsin Chiropractic Association to oppose this bill. The legislature is holding a joint hearing, as I speak, on this. Stay tuned for more," explained O'Brien.

O'Brien transitioned to an update on post-acute care legislation where action in the assembly is expected in the coming days thanks to the support of Speaker Robin Vos in convening meetings with WHA and the state nursing home associations to develop a package of reforms. The package will include language on establishing a next-of-kin priority order for guardianship, an exception to the nursing home bed cap for up to 250 nursing home beds for applicants that agree to prioritize patients with complex needs, language for a complex care pilot, \$20 million for supplemental payment pool to cover hospital losses resulting from avoidable days, \$20 million for the creation of new rates for bariatric care, and wound care in skilled nursing facilities.

O'Brien also addressed Evers' recent announcement of a Healthcare Workforce Taskforce, in which WHA's Senior Vice President of Workforce and Clinical Practice Ann Zenk will participate. According to the Governor's staff, the focus of the taskforce is going to include advancing technology to lessen the load on health care workers, team-based care, recruitment, retention and burnout and educational pathways. Evers noted recommendations from this taskforce will be considered in his next biennial budget.

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