

MEB Shelves Rule That Could Add at Least \$75m in Health Care Costs Following WHA Advocacy

On July 20, Department of Safety and Professional Services (DSPS) staff reported to the Medical Examining Board (MEB) that the MEB's proposed chaperone rule could add \$75 million in new health care costs annually, based on economic impact letters submitted to DSPS. Following that report, the MEB shelved its second iteration of its proposed rule and discussed working on a third revision to its proposed rule.

The economic impact analysis by DSPS was largely informed by an advocacy effort by WHA to submit estimated workforce impacts and costs to the MEB in November 2021 and again in June 2022 on the MEB's proposed chaperone rule. Working with WHA, a group of WHA members submitted their own comments as part of the MEB's 14-day economic impact comment period. Altogether, that sample size alone indicated annual costs in the tens of millions of dollars and hundreds of new employees to implement the proposed rule.

WHA's June 2022 comment letter raised multiple concerns about the proposed rule which would have created a presumption that a physician has engaged in sexual misconduct unless the physician's care is observed by a trained chaperone, or a narrow set of exceptions apply.

"WHA continues to receive concerns from our members that the proposed rule, including the latest May 3, 2022, version of the proposed rule has an unnecessarily and unreasonably broad impact on care delivery that will significantly exacerbate current critical health care workforce shortage challenges and substantially increase health care staffing costs," wrote WHA Senior Vice President of Workforce and Clinical Practice Ann Zenk in WHA's June 2022 comment letter.

"Simply adding additional chaperone duties that are not medically necessary for the care of the patient to existing hourly or salaried staff or students is not operationally feasible," wrote Zenk. "Existing staff and students do not have 'extra' time in their workday to serve as chaperones to observe physicians providing care to their patients."

"Health care delivery is chronically overregulated, impacting workforce burnout and cost of care. The reported \$75 million annual economic impact of the proposed rule is one quantifiable example of the very real impact that unnecessary regulation of health care delivery has on the cost of health care," said WHA President and CEO Eric Borgerding. "WHA will continue to lead to identify and push back against unnecessary regulations that increase the cost of delivering high-quality health care."