**State Legislative Update – May 17, 2024**

For more information regarding ACS State Affairs Policy Priorities in your state, please contact Catherine Hendricks, State Affairs Manager, at chendricks@facs.org or Cory Bloom, State Affairs Associate, at cbloom@facs.org. To view a complete list of bills ACS State Affairs is tracking, visit our online [State Legislative Tracker.](https://www.quorum.us/spreadsheet/external/QGjJBFIfORzJNAtlNvfp/)

**STATE AFFAIRS WORKGROUP**

Arnold Baskies, MD, FACS (NJ); Ali Kasraeian, MD, FACS (FL); Kevin Koo, MD, FACS (MN); and Kelly Swords, MD, FACS (CA). The Workgroup will play a critical role in identifying state advocacy priorities, setting new policy objectives, and evaluating state advocacy grant applications among other duties.

**ACS STATE AFFAIRS PRIORITY ISSUES**

* Trauma System Funding & Development
* Cancer Screening, Testing, and Treatment
* Insurance & Administrative Burden
* Professional Liability
* Criminalization of Physician Care
* Access to Surgical Care
* Health Equity

**ACS GRANT PROGRAM**

State Chapters are eligible to apply for ACS State Advocacy Grants and may use funds towards their annual state advocacy day, to hire a lobbyist, or other relevant advocacy functions such as travel costs for members, catering, venue rentals, printing, and more. To learn more information regarding the ACS State Advocacy Grants, apply [here](https://www.facs.org/advocacy/state-legislation/chapter-state-advocacy-grant-program/).

**STOP THE BLEED® NEWS**

Television show *Grey’s Anatomy* featured STOP THE BLEED® (STB) in its latest episode. In the show, a young woman, guided by another character, uses STB techniques in an attempt to save her father’s life. Dr. Kenji Inaba, medical consultant for the show, suggested using STB when he saw an opportunity to add it in during script review and asked the writers to add it. Read more [here](https://www.shondaland.com/shondaland-series/a60803929/dr-kenji-inaba-on-the-lifesaving-power-of-the-stop-the-bleed-campaign/).

**STATE MEDICAL BOARDS**

**Ohio medical board adopts office-based surgery rule**

The state Medical Board of Ohio adopted the officed-based surgery rule to include language prohibiting any special procedure or surgery prohibited by state law to be performed in a hospital or ambulatory surgical facility cannot be performed in an office setting. The Rule becomes effective May 18, 2024. Read more [here](https://dam.assets.ohio.gov/image/upload/med.ohio.gov/laws-and-regulations/4731-25-02_final_filed.pdf).

**Doctors are liable for the AI they use, state medical board group says**

At their annual meeting in Nashville last month, the Federation of State Medical Boards (FSMB) released a new report offering guidance to the state licensure boards stating, “Once a physician chooses to use AI, they accept responsibility for responding appropriately to the AI’s recommendations.”

As AI permeates into health care, medical tech companies and health systems alike are wondering [who is ultimately responsible](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsubscriber.politicopro.com%2Farticle%2F2024%2F03%2Fwho-pays-when-your-doctors-ai-goes-rogue-00148447%3Fsource%3Demail&data=05%7C02%7Cchendricks%40facs.org%7C8fb138dee6df436fcb1308dc6af17eb6%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638502832697750914%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=dmqgHmBJ2AZp2i2Fx%2FXhSQiryMFrtorG%2FYqYm8oqlxU%3D&reserved=0) for AI decisions that harm patients.

State legislatures are beginning to consider their medical board’s role in regulating how doctors use AI and the FSMB report outlines best practices for regulating doctors’ use of AI. Read the report [here](https://www.fsmb.org/siteassets/advocacy/policies/incorporation-of-ai-into-practice.pdf?source=email).

**STATUS OF LEGISLATIVE SESSIONS**

The following state legislatures remain in session: Alaska, Arizona, California, Delaware, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, and Vermont.

Montana, Nevada, North Dakota, and Texas have no regular session in even-numbered years. Legislative session information can be found [here](https://www.multistate.us/resources/2024-legislative-session-dates).

**LEGISLATIVE TRACKING**

**ALABAMA**

[HB 232](https://alison.legislature.state.al.us/files/pdfdocs/SearchableInstruments/2024RS/HB232-enr.pdf) – Scope of Practice ENACTED

Introduced by Representative Leigh Hulsey (R), HB 232 allows licensed physical therapists to conduct initial screenings of patients and eliminates the requirement that a patient for physical therapy have a referral from a licensed physician. Governor Kay Ivey (R) signed the bill into law May 15.

**CALIFORNIA**

[AB 3030](https://leginfo.legislature.ca.gov/faces/billPdf.xhtml?bill_id=202320240AB3030&version=20230AB303096AMD) – Artificial Intelligence

Introduced by Assemblymember Lisa Calderon (D), AB 3030 mandates health facilities, clinics, physician’s offices, or group practice offices utilizing generative artificial intelligence (AI) for creating written or verbal patient communications include a disclaimer informing the patient of the AI's involvement; requires providing clear instructions for patients to request communication with a human healthcare provider. The bill was introduced in the Assembly and referred to the Health Committee.

**MARYLAND**

[HB 51](https://mgaleg.maryland.gov/2024RS/bills/hb/hb0051e.pdf) – Cancer ENACTED

Introduced by Delegate Samuel Rosenberg (D), HB 51 requires the Pediatric Cancer Fund be used only for pediatric cancer research instead of pediatric cancer research, prevention, and treatment. Governor Wes Moore (D) signed the bill into law May 16.

[HB 806](https://mgaleg.maryland.gov/2024RS/bills/hb/hb0806e.pdf) – Scope of Practice ENACTED

Introduced by Delegate Kenneth Kerr (D), HB 806 changes delegation agreement to a collaborative agreement; and expands the duties a physician assistant may provide under the agreement. Governor Wes Moore (D) signed the bill into law May 16.

[HB 932](https://mgaleg.maryland.gov/2024RS/bills/hb/hb0932e.pdf) – Prior Authorization ENACTED

Introduced by Delegate Bonnie Cullison (D), HB 932 establishes requirements and prohibitions related to health insurance utilization review, including: altering requirements related to internal grievance procedures and adverse decision procedures; altering certain reporting requirements on health insurance carriers relating to adverse decisions; establishing requirements on health insurance carriers and health care providers relating to the provision of patient benefit information. Governor Wes Moore (D) signed the bill into law May 16.

[HB 1259](https://mgaleg.maryland.gov/2024RS/bills/hb/hb1259t.pdf) – Cancer ENACTED

Introduced by Delegate Tiffany Alston (D), HB 1259 includes image-guided breast biopsy in the definition of "supplemental breast examination”; requires health insurers to provide coverage for supplemental breast examinations; clarifies coverage requirements for lung cancer screening applies to follow-up diagnostic imaging. Governor Wes Moore (D) signed the bill into law May 16.

[HB 1439](https://mgaleg.maryland.gov/2024RS/bills/hb/hb1439t.pdf)N – Trauma Systems ENACTED

Introduced by Delegate Emily Shetty (D), HB 1439 seeks to change the percentage of reasonable compensation paid to trauma hospitals; report to the general assembly annually how the hospital was reimbursed. Governor Wes Moore (D) signed the bill into law May 16.

[HB 1472](https://mgaleg.maryland.gov/2024RS/bills/sb/sb0167t.pdf) – Cancer ENACTED

Introduced by Delegate Dana Jones (D), HB 1472 requires at least $500,000 in the annual budget for the Professional and Volunteer Firefighter Innovative Cancer Screening Technologies Program. Governor Wes Moore (D) signed the bill into law May 16.

[SB 13](https://mgaleg.maryland.gov/2024RS/bills/sb/sb0013e.pdf) – Cancer ENACTED

Introduced by Senator Michael Jackson (D), SB 13 requires the Pediatric Cancer Fund be used only for pediatric cancer research instead of pediatric cancer research, prevention, and treatment. Governor Wes Moore (D) signed the bill into law May 16.

[SB 119](https://mgaleg.maryland.gov/2024RS/bills/sb/sb0119t.pdf) – Criminalization ENACTED

Introduced by Senator Clarence Lam (D), SB 119 protects state licensed health care practitioners for providing, procuring, or aiding an individual legally protected health care services which are not a crime in the state from criminal persecution, civil liability, or administrative sanction in another state. Governor Wes Moore (D) signed the bill into law May 16.

[SB 167](https://mgaleg.maryland.gov/2024RS/bills/sb/sb0167t.pdf) – Scope of Practice ENACTED

Introduced by Senator Mary Beth Carozza (R), SB 167 seeks to change the delegation agreement to collaborative agreement; allows a physician to actively collaborate with up to eight physician assistants; allows for preparing and dispensing a prescription; allows for ordering, performing, and interpreting diagnostic studies, therapeutic procedures, and laboratory tests; performing physical exams; writing medical orders; and authenticating any document a physician may authenticate; and does not allow for anesthesia duties. Governor Wes Moore (D) signed the bill into law May 16.

[SB 362](https://mgaleg.maryland.gov/2024RS/bills/sb/sb0362e.pdf) – Trauma Funding ENACTED

Introduced by Senator Bill Ferguson (D) SB 362 provides an annual appropriation of $16.5 million to the state trauma fund. Governor Wes Moore (D) signed the bill into law May 16.

[SB 1092](https://mgaleg.maryland.gov/2024RS/bills/sb/sb1092e.pdf) – Trauma System Funding ENACTED

Introduced by Senator Guy Guzzone (D), SB 1092 increases motor vehicle registration surcharges from $17 to $40 - $6.50 of the surcharge goes toward trauma physician services fund; $9 of the surcharge goes toward the R Adams Cowley Shock Trauma Center; the balance of the surcharge goes to state EMS operations fund; outlines disbursements to the state pediatric trauma centers – up to $900K to Johns Hopkins Children’s Center and up to $900K to children’s National Medical Center; changes reimbursement for costs incurred by trauma physicians and trauma centers; beginning fiscal year 2026 the governor shall include an annual appropriation of at least $16.5 million. Governor Wes Moore (D) signed the bill into law May 16.

**MINNESOTA**

[HF 5474](https://www.revisor.mn.gov/bills/text.php?number=HF5474&version=0&session=ls93&session_year=2024&session_number=0&format=pdf) – Insurance

Introduced by Representative Michael Howard (D), HF 5474 requires health plans to cover the management and treatment of obesity, including metabolic and bariatric surgery. The bill was introduced in the House and referred to the Finance and Policy Committee.

**NEW JERSEY**

[A 4333](https://pub.njleg.state.nj.us/Bills/2024/A4500/4333_I1.PDF) – Insurance

Introduced by Assemblymember Shanique Speight (D), A 4333 requires insurance carriers to provide sixmonths’ notice regarding any change in policy resulting in the denial of coverage for services provided to a covered person. The bill was introduced in the Assembly and referred to the Financial Institutions and Insurance Committee.

**NEW YORK**

[K 2171](https://legislation.nysenate.gov/pdf/bills/2023/K2171) – Trauma ENACTED

Introduced by Assemblymember Brian Maher (R), K 2171 proclaims May 2024 as STOP THE BLEED® month. The bill was agreed to via simple resolution on May 14.

[S 9431](https://legislation.nysenate.gov/pdf/bills/2023/S9431) – Insurance

Introduced by Senator Lea Webb (D), S 9431 requires health insurance coverage of comprehensive annual medical examinations for firefighters due to their increased risk for cancer and cancer-related diseases. The bill was introduced in the Senate and referred to the Insurance Committee.

**OHIO**

[HB 550](https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_135/bills/hb550/IN/00/hb550_00_IN?format=pdf) – Cancer

Introduced by Representative Dontavius Jarrells (D), HB 550 requires health insurance coverage of preventive screenings for certain men at high-risk for developing prostate cancer. The bill was introduced in the House and is pending referral to a committee.

**OKLAHOMA**

[HB 3190](http://webserver1.lsb.state.ok.us/cf_pdf/2023-24%20ENR/hB/HB3190%20ENR.PDF) – Insurance ENACTED

Introduced by Representative Carl Newton (R), HB 3190 requires disclosure and review of prior authorization (PA); defines qualifications for those making adverse determinations; requires consultation prior to adverse determination; defines criteria for reviewing physicians; establishes obligations for utilization review entity; provides an exception for PA; prohibits certain retrospective denial; provides timeline for non-urgent PA (7 days); provides for length of PA in urgent circumstances (within 72 hours); provides for continuity of care; and provides for standard transmission of authorization. Governor Kevin Stitt (R) signed the bill into law May 15.

**PENNSYLVANIA**

[HB 2283](https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=H&billTyp=B&billNbr=2283&pn=3090) – Surgical Smoke

Introduced by Representative Tarik Khan (D), HB 2283 requires ambulatory surgical facilities or hospitals to adopt and implement policies to prevent exposure to surgical smoke through the use of a smoke evacuation system for each procedure that generates surgical smoke. The bill was introduced in the House and referred to the Health Committee.

[HR 434](https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=H&billTyp=R&billNbr=0434&pn=3100) – Cancer

Introduced by Representative Shelby Labs (R), HR 434 recognizes the month of October 2024 as Breast Cancer Awareness Month and October 18, 2024, as National Mammography Day. The resolution was introduced in the House and referred to the Health Committee.

**TENNESSEE**

[SB 734](https://publications.tnsosfiles.com/acts/113/pub/pc0924.pdf) – Scope of Practice ENACTED

Introduced by Senator Richard Briggs (R), SB 734 requires a healthcare practitioner to communicate to a patient the practitioner's full name and type of license in writing at the patient's initial office visit. Governor Bill Lee (R) signed the bill into law May 13.

[SB 2253](https://publications.tnsosfiles.com/acts/113/pub/pc0852.pdf) – Professional Liability ENACTED

Introduced by Senator John Stevens (R), SB repeals the collateral source rule; actual economic losses suffered by the claimant. Governor Bill Lee (R) signed the bill into law May 13.

[SB 2328](https://publications.tnsosfiles.com/acts/113/pub/pc0861.pdf) – Insurance ENACTED

Introduced by Senator Ken Yager (R), SB 2328 limits payment recoupment by a health care insurance carrier to six months after the health care practitioner submits a claim, exceptions for fraud; details the process for the insurer to follow when seeking recoupment; payment recoupment must not be withheld from the health care practitioner until all appeals are exhausted. Governor Bill Lee (R) signed the bill into law May 13.