

State Legislative Update – April 26, 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](#).

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](#).

UPCOMING EVENTS

New York Amplifying Surgery's Voice 2024 Advocacy Day, Albany, May 7; register [here](#).

IN THE NEWS

FTC Rule on Noncompete Clauses

ACS CEO Patricia Turner, MD, MBA, FACS commented on the Federal Trade Commission ruling on noncompete clauses:

Yesterday [April 23], the Federal Trade Commission (FTC) issued a ruling that [agreed with our 2023 letter](#) that noncompete clauses should be banned from virtually all contracts. The FTC voted 3-2 to issue corresponding regulations that would go into effect 120 days after publication.

The ACS applauds this vote, however, there remain significant questions regarding the FTC's jurisdiction over nonprofit entities, including nonprofit hospitals. Some experts question whether the FTC has the jurisdiction to issue this ban at all. The US Chamber of Commerce has already filed suit in court in an effort to block these regulations from being implemented.

The ACS will continue to aggressively advocate for legislation that would ban noncompete clauses. **We must limit the increasing control that large corporations have on the healthcare system and the resulting negative impact on our members and the physician/patient relationship.**

To urge your Members of Congress to support legislation banning noncompete clauses, please visit surgeonsvoice.org.

Surprise medical billing law ‘not working the way we want it to work’

Years after Congress settled on a solution to surprise medical bills, lawmakers have reservations about how the law is playing out in practice, POLITICO’s Robert King reports.

Data shows that private equity firms are reaping the benefits disproportionately, while providers say insurers are flouting the rules and small-and-medium-sized physician practices say they are struggling. Some say the law may inadvertently cause higher insurance premiums.

“It’s not working the way we want it to work,” said Rep. Brett Guthrie (R-KY). “We have to figure out what it’s going to take to get it to work.” Read more [here](#).

STATUS OF LEGISLATIVE SESSIONS

The following state legislatures have adjourned: Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Maine, Maryland, Nebraska, New Mexico, Oregon, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Montana, Nevada, North Dakota, and Texas have no regular session in even-numbered years. Legislative session information can be found [here](#).

LEGISLATIVE TRACKING

ARIZONA

[HB 2599](#) – Insurance **ENACTED**

Introduced by Representative David Livingston (R), HB 2599 outlines the health care insurance carrier internal and external utilization review and appeals process, whether in whole or in part of a service. Governor Katie Hobbs (D) signed the bill into law April 23.

DELAWARE

[HS 1 for HB 253](#) – Cancer

Introduced by Representative Kimberly Williams (D), HS 1 for 523 lowers the age from 50 to 40 for insurance carriers to provide coverage for annual mammograms; prohibits carriers from requiring a referral for annual mammograms. The bill was introduced in the House and referred to the Insurance and Commerce Committee.

GEORGIA

[HB 1046](#) – Scope of Practice **ENACTED**

Introduced by Representative David Clark (R), HB 1046 changes the number of physician assistants and nurse practitioners a physician can supervise to a combined equivalent of eight. Governor Brian Kemp signed the bill into law April 23.

ILLINOIS

[HB 4421](#) – Cancer

Introduced by Representative Janet Rohr (D), HB 4421 provides for a breast tomosynthesis if determined high breast density will make low-dose mammography inaccurate; health insurer cannot require a physician to order an additional low-dose mammography as a precondition to breast tomosynthesis; provides coverage of breast tomosynthesis be provided at no cost-sharing to the insured. The bill was introduced in the House and referred to the Rules Committee.

MAINE

[LD 227](#) – Criminalization **ENACTED**

Introduced by Representative Anne Perry (D), LD 227 establishes legal protections for doctors who provide gender-affirming care. Governor Janet Mills (D) signed the bill into law April 22.

MARYLAND

[SB 1092](#) – Trauma System Funding

Introduced by Senator Guy Guzzone (D), SB 1092 increases motor vehicle registration surcharges from \$17 to \$40; expands funding sources to include at least 10% of fines collected for impaired driving offenses and any other money transferred from the general fund; outlines disbursements to the state trauma centers; changes reimbursement for costs incurred by trauma physicians and trauma centers. The bill was introduced in the Senate and referred to the Budget and Taxation Committee.

MISSISSIPPI

[SB 2858](#) – Cancer **ENACTED**

Introduced by Senator Josh Harkins (R), SB 2858 mandates a health insurer provide benefits for screening, diagnostic breast examinations, and supplemental breast examinations; the insurer cannot impose any cost-sharing requirements for those services. Governor Tate Reeves (R) signed the bill into law April 22.

NEW YORK

[A 1696](#) – Cancer

Introduced by Assemblymember Pamela Hunter (D), A 1696 requires health insurers and Medicaid to provide an additional screening for covered persons whose mammogram, which occurred in the previous 120 days, showed abnormalities due to dense breast or when the provider deems another mammogram is needed. The bill was introduced in the Assembly and referred to the Insurance Committee.

[J 2278](#) – STOP THE BLEED®

Introduced by Senator Gustavo Rivera (D), J 2278 proclaims May 2024, as STOP THE BLEED® Month in the State of New York. The bill was introduced in the Senate and referred to the Finance Committee.

NORTH CAROLINA

[H 908](#) – Criminalization

Introduced by Representative Diamond Staton-Williams (D), H 908 keeps records related to the provision of reproductive healthcare services confidential; allows physicians to perform

abortions in medical emergencies where an abortion is deemed necessary to prevent death or serious risk of impairment of a major bodily function. The bill was introduced in the House and referred to the Committee on Rules, Calendar, and Operations.

OKLAHOMA

[HB 4152](#) – Cancer **ENACTED**

Introduced by Representative Suzanne Schreiber (D), HB 4152 changes the text of summaries for mammography reports by identifying the patient's individual breast density classification as "dense or not dense"; recommends potential further steps for patients with dense tissue.

Governor Kevin Stitt (R) signed the bill into law April 23.

PENNSYLVANIA

[SR 275](#) – Cancer

Introduced by Senator Lynda Culver (R), SR 275 designates May 7, 2024, as “Cancer Action Day”. The bill was introduced in the Senate and referred to the Rules and Executive Nominations Committee.

VERMONT

[H 621](#) – Cancer **ENACTED**

Introduced by Representative Laura Sibilgia (I), H 621 provides for no cost sharing for a mammography or other medically necessary breast imaging services to detect the presence of breast cancer and other abnormalities of the breast or breast tissue. Governor Phil Scott (R) signed the bill into law April 25.

[H 741](#) – Cancer **ENACTED**

Introduced by Representative Kate McCann (D), H 741 amends existing law to mandate insurers provide coverage for colorectal cancer screening average risk individuals in accordance with the most recently published recommendations established by the U.S. Preventive Services Task Force. Governor Phil Scott (R) signed the bill into law April 25.