

State Legislative Update – March 22, 2024

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. Funds provided through the grant can be applied towards expenses 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

California Advocacy Day, Sacramento, April 10; register [here](#).

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

IN THE NEWS

Governor Signs Executive Order Creating Healthcare Workforce Task Force

Wyoming Governor Mark Gordon (R) signed an [executive order](#) on February 29 creating the task force charged with making recommendations to streamline the health care licensing process, establish health care educational avenues, and ensuring reimbursement for those professionals.

STATE MEDICAL BOARDS

Provider Bridge Emergency Preparedness and Response

Provider Bridge is a free-to-use technology platform that maintains a comprehensive registry of health professionals who can be accessed expeditiously to prepare for and respond to local, regional, or national emergencies. Registration takes a few minutes and can be completed at the following link: <https://www.providerbridge.org/>.

For more information, please contact: Anne K. Lawler, JD, RN, Provider Bridge Program Officer at (208) 331-2341; email alawler@fsmb.org or visit the website [here](#).

Make a Wish®

Refer a child to [Make-A-Wish®](#). Make-A-Wish® creates life changing wishes for children ages 2 ½ to 18 years old who have a critical illness that puts their life in jeopardy. Medical professionals are one of the main referral sources to connect children with their wish come true. If you know a child with a critical illness, refer them by visiting wish.org. In addition to the

referral form, you will also find medical guidance sheets regarding eligibility within sub-specialty departments.

STATUS OF LEGISLATIVE SESSIONS

The following state legislatures have adjourned: Florida, Idaho, Indiana, New Mexico, Oregon, 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

ALABAMA

SB 236 – Certificate of Need

Introduced by Senator Larry Stutts (R), SB 236 eliminates the certificate of need requirement for any proposed new or expanded medical facility or health care service located in a rural area. The bill was introduced in the Senate and is pending referral to a committee.

ARKANSAS - ENACTED

HB 1271 – Prior Authorization

Introduced by Representative Lee Johnson (R), HB 1271 requires healthcare insurers to evaluate whether providers still qualify for exemptions from prior authorization requirements. Governor Sarah Huckabee Sanders (R) signed the bill into law April 11.

CALIFORNIA

SB 516 – Prior Authorization

Introduced by Senator Nancy Skinner (D), SB 516 removes unnecessary prior authorizations; streamlines the process for submitting and appealing a prior authorization request; provides transparency and data on health plan actions; requires a physician of the same or similar specialty to conduct appeals of a prior authorization denial. The bill was introduced and referred to the governance and Finance Committee.

COLORADO

HB 1153 – Licensure

Introduced by Representative Lorena Garcia (D), HB 1153 establishes a continuing education requirement for physicians in the state; 40 hours in the 24 months preceding license renewal, reinstatement, or reactivation of a license; the board will do random audits to enforce compliance. The bill was introduced in the House and referred to the Health and Human Services Committee.

IDAHO

H 505 – Licensure **ENACTED**

Introduced by the House Business Committee, H 505 extends the physician licensure renewal from one year to two years. Governor Brad Little (R) signed the bill into law March 18.

IOWA

[HF 2668](#) – Biomarker

Introduced by the House Appropriations Committee, HF 2668 requires health insurance policies to cover biomarker testing for diagnosing, treating, managing, or monitoring a disease or condition in covered individuals when the test has demonstrated clinical utility. The bill was introduced in the House and is pending referral to a committee.

KANSAS

[SB 233](#) – Criminalization/Liability

Introduced by the Federal and State Affairs Committee, SB 233 authorizes a civil cause of action against healthcare providers for providing gender-transitioning care to children; requires professional discipline against a healthcare provider who performs such treatment; prohibits professional liability insurance from covering damages for healthcare providers who provide gender transition treatment to children. The bill was introduced in the House and referred to the Public Health and Welfare Committee.

LOUISIANA - ENACTED

[SB 110](#) – Prior Authorization

Introduced by Senator Kirk Talbot (R), SB 110 requires insurers offer expedited review of prior authorization requests related to the diagnosis or treatment of cancer and respond within two business days. Governor Jeff Landry (R) signed the bill into law June 12.

[HB 742](#) – Professional Liability

Introduced by Representative Denise Marcelle (D), HB 742 mandates no physician who acts in good faith in the screening, collection, conservation, preparation, transfer, or cryopreservation of the human ovum fertilized in vitro for transfer to the human uterus shall be subject to criminal prosecution or civil liability. The bill was introduced in the House and is pending referral to a committee.

MAINE

[LD 2271](#) – Telehealth

Introduced by Senator Donna Bailey (D), LD 2271 prohibits a healthcare entity from charging a facility fee for telehealth services unless the patient is physically present in a hospital-based facility when receiving those telehealth services. The bill was introduced in the Senate and referred to the Joint Standing Health Coverage Committee.

MARYLAND

[SB 13](#) – Cancer

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. The bill was introduced in the Senate and referred to the Finance Committee.

MINNESOTA

[HF 1658](#) – Insurance/Cancer

Introduced by Representative Jeff Brand (D), HF 1658 mandates infertility treatment coverage by health plans and medical assistance, including fertility preservation procedures for cancer

patients. The bill was introduced in the House and referred to the Commerce Finance and Policy Committee.

[HF 4945](#) – Workplace Violence

Introduced by Representative John Huot (D), HF 4945 increases the penalty for assaulting health care providers to a felony; potential to be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$6,000, or both if the assault inflicts demonstrable bodily harm. The bill was introduced in the House and referred to the Public Safety Finance and Policy Committee.

[SF 5138](#) – Workplace Violence

Introduced by Senator Bill Lieske (R), mandates whoever physically assaults and inflicts demonstrable bodily harm onto a physician or nurse is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both. The bill was introduced in the Senate and referred to the Judiciary and Public Safety Committee.

MISSISSIPPI

[SC 539](#) – Trauma

Introduced by Senator Walter Michel (R), SC 539 designates March 2024 as Brain Injury Awareness Month to promote the awareness of acquired brain injuries. The resolution was introduced in the Senate and referred to the Rules Committee.

NEW JERSEY

[S 2988](#) – Telehealth

Introduced by Senator Vin Gopal (D), S 2988 mandates health benefit plans provide coverage and payment parity for health care services delivered to a covered person through telemedicine. The bill was introduced in the Senate and referred to the Commerce Committee.

[S 3060](#) – Cancer

Introduced by Senator Troy Singelton (D), S 3060 provides for no cost sharing prostate cancer screening. The bill was introduced in the Senate and is pending referral to a committee.

OHIO

[HB 452](#) – Workplace Violence

Introduced by Representative Andrea White (R), HB 452 requires each hospital system to establish a security plan for preventing workplace violence and managing aggressive behaviors; the plan must involve a team that includes its health care employees who provide direct patient care. The bill was introduced in the House and is pending referral to a committee.

OKLAHOMA

[HB 3214](#) – Professional Liability

Introduced by Representative Kevin West (R), HB 3214 mandates medical practitioners have the right not to participate in a health care service that violates their conscience; a medical practitioner's refusal to participate in a health care service based on an exercise of conscience may not be a basis for discrimination, discipline, or other recriminatory action against the

medical practitioner. The bill was introduced in the House and referred to the Public Health Committee.

RHODE ISLAND

[H 8072](#) – Payment

Introduced by Representative Teresa Tanzi (D), H 8072 mandates health insurers must ensure contracts with hospitals and healthcare providers pay at least the regional average rate. The bill was introduced in the House and referred to the Health and Human Services Committee.

[H 8073](#) – Cancer

Introduced by Representative Kathleen Fogarty (D), HB 8073 mandates health insurance plans issued in the state provide coverage for the use of artificial intelligence technology for analysis of breast tissue diagnostic imaging, provided the breast tissue diagnostic imaging and the review generated by artificial intelligence is independently reviewed and approved of by a physician qualified to read and interpret breast tissue diagnostic imaging. The bill was introduced in the House and referred to the Health and Human Services Committee.

[H 8074](#) – Scope of Practice

Introduced by Representative Edward Cardillo (R), H 8074 removes the requirement to obtain a referral from a primary care provider in order to see a specialist. The bill was introduced in the House and referred to the Health and Human Services Committee.

VERMONT

[HCR 177](#) – Cancer - **ADOPTED**

Introduced by Representative Kate McCann (D), HCR 177 recognizes March as Colorectal Cancer Awareness Month. The resolution was introduced in the House and adopted on March 15.

WASHINGTON

[HB 2041](#) – Scope of Practice **ENACTED**

Introduced by Representative Marcus Riccelli (D), HB 2041 allows a physician assistant (PA) who has completed 4,000 hours of postgraduate clinical practice to practice without a collaborative agreement with a physician; provisions for 2,000 additional hours under collaboration with a physician if the PA chooses to change specialties. Governor Phil Murphy (D) signed the bill into law on March 13.

WISCONSIN

[AB 954](#) – Licensure

Introduced by Representative Calvin Callahan (R), AB 954 creates provisional licenses for internationally trained physicians to practice as a physician within the state; provisional licenses to practice as a physician are automatically converted into permanent licenses after the provisional license holder practices in this state and maintains good standing for three consecutive years. The bill was introduced in the Assembly and referred to the Health, Aging and Long-Term Care Committee.

CONTACT

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](#).