

State Legislative Update – October 18, 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 and Development
- Cancer Screening, Testing, and Treatment
- Insurance and 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](#).

IN THE NEWS

AMA Monitoring IV Shortage Issue

The AMA is actively monitoring the IV shortage issue and understands surgeons are concerned about the shortage of IV fluids caused by the floods from Hurricane Helene. The AMA was in touch with the Biden administration, and it appears the administration is taking multiple steps to address the shortage.

The Department of Health Human Services (HHS) circulated a [letter](#) with information about the shortage and the Food and Drug Administration (FDA) has updates [here](#).

Baxter, the primary manufacturer impacted by the hurricane, maintains a website for their updates [here](#). [HHS](#) developed guidances for how to best conserve or substitute sterile fluids.

The Commissioner for the FDA, Robert Califf, MD, wants to hear about problems at the local level. The AMA will continue to monitor the situation and weigh in with HHS as appropriate.

STATUS OF LEGISLATIVE SESSIONS

The following state legislatures remain in session: Michigan, New Jersey, Ohio, and Pennsylvania. California and West Virginia are in special session. North Carolina sessions post June 27: reconvening October 9, November 19-22, and December 11-13.

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

LEGISLATIVE TRACKING

DELAWARE

[HB 16](#) – Cancer **ENACTED**

Introduced by Speaker Valerie Longhurst (D), HB 16 requires health insurers to provide coverage for ovarian cancer screening and monitoring tests for women with a family history, genetic mutation, and personal history; no cost sharing for annual screening tests and post treatment monitoring. Governor John Carney (D) signed the bill into law October 9.

[HS 1 for HB 253](#) – Cancer **ENACTED**

Introduced by Representative Kimberly Williams (D), HS 1 for HB 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. Governor John Carney (D) signed the bill into law October 14.

DISTRICT OF COLUMBIA

[CER25-280](#) – Cancer **ADOPTED**

Introduced by Councilmember Robert White (D), CER25-280 recognizes October 2024 as Breast Cancer Awareness month. The bill was approved October 15.

ILLINOIS

[SR 1221](#) – Cancer

Introduced by Senator Mary Edly-Allen (D), SR 1221 proposes a cancer patients' bill of rights, advocating for access to specialized expertise and emerging treatments including precision medicine and genomic therapies; access to timely cancer care; and the right to understand their diagnoses and treatment options in culturally appropriate languages. The resolution was introduced in the Senate and referred to the Assignments Committee.

NEW JERSEY

[S 3533](#) – Cancer

Introduced by Senator Angela McKnight (D), S 3533 requires health insurers to ensure step-therapy protocols are based on clinical guidelines; allows for exceptions and outlines an appeal process; requires insurers to provide a request method on their website; exceptions must be granted if contraindicated, ineffective, and previously unsuccessful; appeals of denied exceptions must be within 72 hours or 24 hours if urgent; insurers must report annually on the number and outcome of exception requests. The bill was introduced in the Senate and referred to the Commerce Committee.

[S 3729](#) – Scope of Practice

Introduced by Senator Owen Henry (R), S 3729 allows orthopedic assistants to perform service they are educated, trained, and tested to perform, including pre-admission evaluation of patient prior to surgery, assist in setting equipment during surgery, first and second assist with all intro-operative procedures (e.g., tissue retraction, suturing of tissue), removing sutures; requires

malpractice insurance coverage through the supervising orthopedic surgeon. The bill was introduced in the Senate and referred to the Commerce Committee.

[S 3733](#) - Insurance

Introduced by Senator Joseph Vitale (D), S 3733 requires health insurers to provide six months' notice of any policy changes to physicians affecting service coverage that could lead to the denial of coverage for an enrollee. The bill was introduced in the Senate and referred to the Commerce Committee.

MASSACHUSETTS

[H 3606](#) – Scope of Practice

Introduced by Representative Gerard Cassidy (D), H 3606 mandates health care professionals display the type of license they hold; bans any person from using or displaying the title "physician" who is not registered by the board of registration. The bill was introduced in the House and referred to the Public Health Committee.

[S 724](#) – Prior Authorization

Introduced by Senator Nick Collins (D), S 724 requires Medicaid to provide written notice of an adverse determination, which includes clinical justification identifying specific reasons based on national evidence and based on medical standards and criteria; it must provide an opportunity for reconsideration of an adverse determination. The bill was introduced in the Senate and referred to the Health Care Financing Committee.

OHIO

[HB 670](#) – Scope of Practice

Introduced by Representative Rachel Baker (D), HB 670 changes "physician assistant" to "physician associate." The bill was introduced in the House and is pending referral to a committee.

[HB 672](#) – Scope of Practice

Introduced by Representative Tim Barhorst (R), HB 672 allows naturopaths to perform minor procedures including superficial lacerations and removal of foreign bodies located in superficial tissue; prohibits them from performing surgical procedures and from using general or spinal anesthetics, using a laser device, and performing surgical procedures involving the eye, ear, tendons, nerves, veins, or arteries extending from superficial tissue. The bill was introduced in the House and is pending referral to a committee.