

## State Legislative Update – March 15, 2024

For more information regarding ACS State Affairs Policy Priorities in your state, please contact Catherine Hendricks, State Affairs Manager, at [chendricks@facs.org](mailto:chendricks@facs.org) or Cory Bloom, State Affairs Associate, at [cbloom@facs.org](mailto:cbloom@facs.org).

### 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](#).

### IN THE NEWS

#### **‘What’s My Life Worth’ The Big Business of Denying Medical Care**

The NY Times published an opinion [piece](#) and [video on prior authorization](#). The author refers to prior authorization as “medical injustice disguised as paperwork” and highlights the reform work being done in the states.

### 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](mailto:alawler@fsmb.org) or visit the website [here](#).

## **STATUS OF LEGISLATIVE SESSIONS**

The following state legislatures have adjourned: Florida, 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**

### **CONNECTICUT**

#### **SB 401** – Telemedicine/Network Adequacy

Introduced by the Joint Committee on Insurance and Real Estate, SB 401 allows the insurance commissioner to consider the availability of telehealth providers in determining the sufficiency of a health carrier's network; extends the telehealth provisions adopted during the COVID-19 pandemic. The bill was introduced in the Senate and referred to the Joint Committee on Insurance and Real Estate.

#### **SB 405** – Payment

Introduced by the Joint Committee on Insurance and Real Estate, SB 405 prohibits health insurance carriers from down coding claims. The bill was introduced in the Senate and referred to the Joint Committee on Insurance and Real Estate.

#### **SB 435** – Criminalization

Introduced by the Joint Committee on Government Administration and Elections, SB 435 prevents the disclosure of information about a patient's receipt of gender services without obtaining required written consent; a violation will subject the physician or health care system to fines, legal action, or other disciplinary measures. The bill was introduced in the Senate and referred to the Joint Committee on Government Administration and Elections.

#### **SB 440** – Certificate of Need

Introduced by the Joint Committee on Public Health, SB 440 mandates a certificate of need is required for the establishment of a new healthcare facility; changes the certificate of need process by creating new conditions, including a public hearing and the completion of a cost and market review. The bill was introduced in the Senate and referred to the Joint Committee on Public Health.

### **GEORGIA**

#### **SR 755** – Cancer **ADOPTED**

Introduced by Senator Freddie Sims (D), SR 755 recognizes March 2024 as Colorectal Cancer Awareness Month. The bill was adopted March 11.

### **HAWAII**

#### **SR 80** – Telehealth

Introduced by Senator Joy San Buenaventura (D), SR 80 establishes a telehealth work group to examine the impact of widespread telehealth adoption during the pandemic; identify public policy initiatives at the federal and state levels to optimize telehealth utilization. The bill was introduced in the Senate and referred to the Transportation, Culture and Arts Committee.

#### [SCR 8](#) – Cancer

Introduced by Senator Kurt Fevella (R), SCR 8 requests the auditor to assess the social and financial effects of mandating health insurance coverage for breast cancer screenings and supplemental imaging. The bill was introduced in the Senate and referred to the Committee on Commerce and Consumer Protection.

#### [SCR 26](#) – Step Therapy

Introduced by Senator Brandon Elefante (D), SCR 26 requests the auditor to conduct a social and financial assessment of proposed mandatory health insurance coverage for step-therapy requirements for stage two through five cancers. The bill was introduced in the Senate and is pending referral to a committee.

#### [SCR 94](#) – Telehealth

Introduced by Senator Joy San Buenaventura (D), SCR establishes a telehealth work group to examine the impact of widespread telehealth adoption during the pandemic; identify public policy initiatives at the federal and state levels to optimize telehealth utilization. The bill was introduced in the Senate and is pending referral to a committee.

#### [HCR 53](#) – Biomarker

Introduced by Representative Cory Chun (D), HCR 159 requests the auditor to assess the social and financial effects of mandatory health insurance coverage for biomarker testing. The bill was introduced in the House and referred to the Human Services, Consumer Protection and Commerce Committee.

#### [HCR 92](#) – Telehealth

Introduced by Representative Cedric Gates (D), HCR 92 requests the department of health to perform a feasibility study of the benefits of authorizing reimbursement for services provided through telehealth by way of audio-only telephonic communication. The bill was introduced in the House and referred to the Health and Finance Committee.

#### [HCR 100](#) – Scope of Practice

Introduced by Representative Scott Saiki (D), HCR 100 requests the legislative bureau to conduct an analysis regarding the scope of practice for advanced practice registered nurses and physician assistants. The bill was introduced in the House and referred to the Consumer Protection and Commerce/Legislative Management Committee.

#### [HCR 101](#) – Certificate of Need

Introduced by Representative Sam Kong (D), HCR 101 requests a study of the certificate of need program to determine whether reducing or eliminating the certificate of need requirements may improve healthcare access. The bill was introduced in the House and is pending referral to a committee.

#### [HCR 125](#) – Telehealth

Introduced by Representative Della Au Belatti (D), HCR 125 establishes a telehealth work group to examine the impact of widespread telehealth adoption during the pandemic; identify public

policy initiatives at the federal and state levels to optimize telehealth utilization. The bill was introduced in the House and is pending referral to a committee.

#### [HCR 159](#) – Biomarker

Introduced by Senator Sharon Moriwaki (D), HCR 159 requests the auditor to assess the social and financial effects of mandatory health insurance coverage for biomarker testing. The bill was introduced in the house and referred to the Higher Education Committee.

#### [HCR 182](#) – Prior Authorization

Introduced by Senator Troy Hashimoto (D), HCR 182 requests the auditor to analyze effects of prior authorization reform. The bill was introduced in the House and referred to the Judiciary and Hawaiian Affairs Committee.

#### [HCR 225](#) – Step Therapy

Introduced by Representative Gregg Takayama (D), HCR 225 requests the auditor to conduct a social and financial assessment of proposed mandatory health insurance coverage for step-therapy requirements for stage two through five cancers. The bill was introduced in the House and is pending referral to a committee.

#### [HR 82](#) – Certificate of Need

Introduced by Representative Sam Kong (D), HR 82 requests a study of the certificate of need program to determine whether reducing or eliminating the certificate of need requirements may improve healthcare access. The bill was introduced in the House and is pending referral to a committee.

#### [HR 106](#) – Telehealth

Introduced by Representative Della Au Belatti (D), HR 106 establishes a telehealth work group to examine the impact of widespread telehealth adoption during the pandemic; identify public policy initiatives at the federal and state levels to optimize telehealth utilization. The bill was introduced in the House and is pending referral to a committee.

#### [HR 162](#) – Prior Authorization

Introduced by Representative Della Au Belatti (D), HR 162 requests the auditor to analyze the effects of prior authorization reform. The bill was introduced in the House and referred to the Transportation and Finance Committee.

### **INDIANA**

#### [HB 1059](#) – Scope of Practice

Introduced by Representative Cindy Ledbetter (R), HB 1059 removes the requirement for an advanced practice registered nurse (APRN) have a practice agreement with a collaborating physician; allows an APRN with prescriptive authority to prescribe schedule II-controlled substance for weight reduction. The bill was introduced in the House and referred to the Public Health Committee.

### [SB 273](#) – Biomarker **ENACTED**

Introduced by Senator Ed Charbonneau (R), SB 273 requires health care insurance carriers to cover biomarker testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of an enrollee's disease or condition when biomarker testing is supported by medical and scientific evidence. Governor Eric Holcomb (R) signed the bill into law March 11.

### **MARYLAND**

#### [HB 51](#) – Cancer

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. The bill was introduced in the House and referred to the Health and Government Operations Committee.

### **MINNESOTA**

#### [HF 4653](#) – Scope of Practice

Introduced by Representative Laurie Pryor (D), HF 4653 allows naturopaths to perform and order physical examinations; order clinical laboratory tests; refer patients for diagnostic imaging order noninvasive diagnostic procedures; admit patients to a hospital. The bill was introduced in the House and referred to the Health Finance and Policy Committee.

#### [SF 4929](#) – Workplace Violence

Introduced by Senator Judy Seeberger (D), SF 4929 reduces the penalty of physically assaulting a physician, nurse, or other healthcare provider in a hospital from a felony to a gross misdemeanor. The bill was introduced in the Senate and referred to the Judiciary and Public Safety Committee.

### **NEW YORK**

#### [K 931](#) – Trauma

Introduced by Assemblymember Al Stirpe (D), K 931 recognizes March 2024, as Brain Injury Awareness Month. The bill was introduced in the Assembly and is pending referral to a committee.

### **PENNSYLVANIA**

#### [SB 1094](#) – Insurance/Trauma

Introduced by Senator Timothy Kearney (D), SB 1094 mandates insurance coverage for post-acute neurorehabilitation (brain injury/trauma rehab). The bill was introduced in the Senate and referred to the Banking and Insurance Committee.

### **RHODE ISLAND**

#### [HB 8044](#) – Workplace Violence

Introduced by Representative Raymond Hull (D), HB 8044 prohibits any type of employee bullying, psychological abuse, psychological injury and/or physical injury; provides civil remedies. The bill was introduced in the House and referred to the Labor Committee.

#### [HB 8056](#) – Insurance

Introduced by Representative Raymond Hull (D), HB 8056 prohibits insurance companies from reimbursing less than the state-approved Medicaid rate. The bill was introduced in the House and referred to the House Corporations Committee.

#### [S 2181](#) – Licensure

Introduced by Senator Bridget Valverde (D), SB 2181 repeals the sunset provision of the interstate medical licensure compact. The bill was introduced in the Senate and referred to the Health and Human Services Committee.

#### [S 2758](#) – Criminalization

Introduced by Senator Frank Lombardi (D), SB 2758 requires any licensing board to impose a probationary period of three years for any licensee found guilty of overprescribing resulting in death; subsequent violation during the probationary period may result in a suspension or revocation of licensure. The bill was introduced in the Senate and referred to the Health and Human Services Committee.

#### [SR 2749](#) – Physician Payment

Introduced by Senator Samuel Bell (D), SR 2749 approves amending Medicaid to mandate a 13% raise to provider reimbursement rates for immediate care facilities. The bill was introduced in the Senate and referred to the Finance Committee.

### **SOUTH CAROLINA**

#### [HB 5225](#) – Taxes

Introduced by Representative Gilda Cobb-Hunter (D), HB 5225 allows for an income tax deduction for each clinical rotation a physician serves as the preceptor for a medical school. The bill was introduced in the House and referred to the Ways and Means Committee.

### **WASHINGTON**

#### [HB 1954](#) – Criminalization **ENACTED**

Introduced by Representative Marcus Riccelli (D), HB 1954 prohibits disciplinary action or license denial due to a health professional providing gender-affirming or reproductive care consistent with the standard of care. The bill was enacted on March 6.

To view a complete list of bills ACS State Affairs is tracking, visit our online [State Legislative Tracker](#).