**State Legislative Update – November 1, 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). 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 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](https://www.facs.org/advocacy/state-legislation/chapter-state-advocacy-grant-program/).

**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](https://www.hhs.gov/about/news/2024/10/09/letter-health-care-leaders-stakeholders-impacts-hurricane-helene-secretary-becerra.html) with information about the shortage and the Food and Drug Administration (FDA) has updates [here](https://www.fda.gov/drugs/updates-2024-hurricane-season/hurricane-helene-baxters-manufacturing-recovery-north-carolina).

Baxter, the primary manufacturer impacted by the hurricane, maintains a website for their updates [here](https://www.baxter.com/baxter-newsroom/hurricane-helene-updates). [HHS](https://files.asprtracie.hhs.gov/documents/iv-fluid-shortage-strategies.pdf) developed guidance 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.

**In the era of GLP-1 drugs, demand for bariatric surgery plunges**

The Journal of the American Medical Association (JAMA) published their findings from a new study finding obesity operations dropped 25.6% in 2023. Thomas Tsai, MD, FACS, a bariatric surgeon at Brigham and Women’s Hospital in Boston and a health policy researcher at Harvard Medical School, noticed an increase in surgical cancellations, especially in patients who had recently started taking GLP-1 medications and wanted to know if there was a shift toward pharmaceutical management of obesity. Read the study [here](https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2825349?utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_term=102524#google_vignette).

**REGULATORY NEWS**

**OKLAHOMA**

The Oklahoma medical board issued proposed rules regarding the licensure of foreign medical graduates (FMG) by removing the requirements for FMGs to score ten percent higher on medical exams, submit recordings of the FMG speaking English, and the 10-year limitation on passing all stages of the United States Medical Licensing Exam (USMLE). Read more [here](https://s3.amazonaws.com/govhawk-registers/OK_20241001.htm) (specific section starts on page 124).

**STATUS OF LEGISLATIVE SESSIONS**

The following state legislatures remain in session: Michigan, New Jersey, Ohio, and Pennsylvania. North Carolina sessions post June 27: December 11-13.

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**

**MASSACHUSETTS**

[H 733](https://malegislature.gov/Bills/193/H733) – Prior Authorization

Introduced by Representative William Driscoll (D), H 733 requires health insurers to waive prior authorization on the transportation of patients from hospitals where hospital inpatient staffed-bed capacity rates meet or exceed 85% for any type of hospital bed for a period of at least 30 days. The bill was introduced in the House and referred to the Emergency Preparedness and Management Committee.

[S 2971](https://malegislature.gov/Bills/193/S2971) – Cancer

Introduced by the Senate Ways and Means Committee, S 2971 requires equal coverage for diagnostic mammography, digital breast tomosynthesis, breast magnetic resonance imaging, and breast ultrasound; any cost-sharing must be the same as a screening mammogram. The bill was introduced in the Senate and referred to the Ways and Means Committee.

**NEW JERSEY**

[S 3740](https://pub.njleg.state.nj.us/Bills/2024/S4000/3740_I1.PDF) – Professional Liability

Introduced by Senator Joseph Pennacchio (R), S 3740 requires parents to be notified before their unemancipated minor undergoes any medical or surgical procedures or treatments; exceptions include emergencies or court approved waivers. The bill was introduced in the Senate and referred to the Health, Human Services and Senior Citizens Committee.

[S 3763](https://pub.njleg.state.nj.us/Bills/2024/S4000/3763_I1.PDF) – Licensure

Introduced by Senator John McKeon (D), S 3763 requires physicians to take one credit of continuing medical education (CME) focused on effective communication and treatment of patients who are deaf or hearing impaired as part of their biennial license renewal. The bill was introduced in the Senate and referred to the Health, Human Services and Senior Citizens Committee.

[S 3818](https://pub.njleg.state.nj.us/Bills/2024/S4000/3818_I1.PDF) – Insurance

Introduced by Senator Nick Scutari (D), S 3818 mandates third-party discounts and payments for individuals covered by health plans must be applied to copayments, coinsurance, deductibles, or any other out-of-pocket costs. The bill was introduced in the Senate and referred to the Commerce Committee.

**PENNSYLVANIA**

[SR 366](https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=S&billTyp=R&billNbr=0366&pn=1979) – Medical Liability Reform

Introduced by Senator John Kane (D), SR 366 declares November 2024 as Good Samaritan Law Awareness Month; calls on all branches of state and local government to actively promote the benefits of the Good Samaritan laws to ensure the public is informed about the protections offered. The resolution was introduced in the Senate and referred to the Rules and Executive Nominations Committee.

**VIRGINIA**

[SB 740](https://track.govhawk.com/public/bills/1954639) – Licensure

Introduced by Senator Mamie Locke (D), SB 740 requires physicians to complete continuing medical education on unconscious bias and cultural competency as part of their license renewal. The bill was pre-filed in the Senate for introduction in January 2025.