

## **State Legislative Update – October 4, 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](#).

### **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**

#### **LOUISIANA**

##### **Jury finds Blue Cross and Blue Shield Louisiana shortchanged surgical center by \$400M**

A Louisiana jury determined Blue Cross and Blue Shield (BCBS) shortchanged privately owned New Orleans-based St. Charles Surgical Hospital and Center for Restorative Breast Surgery by more than \$400 million.

BCBS Louisiana was accused of shortchanging the center on thousands of breast reconstruction surgeries. The jury found BCBS committed fraud when it authorized around 7,800 surgeries from 2015 to 2023 and then paid only about 9% of the related claims. Read more [here](#).

#### **NORTH CAROLINA**

Beginning October 1, 2024, hospitals in North Carolina with an emergency department (ED) are required to have an armed law enforcement officer to be present in the ED. Read more [here](#).

### **REGULATORY NEWS**

#### **NEVADA**

The State Board of Medical Examiners promulgated proposed rules related to prohibiting physician assistants (PAs) from performing elective cosmetic surgeries involving sedation or

anesthesia without direct supervision; allows physicians to delegate providing health records to authorized individuals. Read more [here](#).

The Nevada State Board of Medical Examiners posted final rules requiring an applicant for a medical license or a physician who wishes to practice in a new medical specialty to report to the Board each medical specialty they intend to practice and sets out the guidelines to do so. Read more [here](#).

## **FLORIDA**

The Board of Medicine and Board of Osteopathic Medicine issued proposed rules implementing the licensure class for graduate assistant physicians (GAPs), the “bridge to residency” license offered by the state. The rules detail the written practice protocol required for GAP practice, including supervision requirements, delegation, scope of practice, prescriptive authority; and the evaluation of GAP practice by their supervising physician ([MD](#) version/[DO](#) version).

Furthermore, the state's Board of Medicine website posted a page regarding the requirements, fees, and an application portal for GAPs. Read more [here](#).

## **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**

### **CALIFORNIA**

#### [AB 977](#) – Workplace Violence **ENACTED**

Introduced by Assemblymember Freddie Rodriguez (D), AB 977 makes an assault or battery committed against a physician or other health care worker of a hospital engaged in providing services in the emergency department punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$2,000, or by both that fine and imprisonment. Governor Gavin Newsom (D) signed the bill into law September 29.

#### [AB 2164](#) – Licensure **ENACTED**

Introduced by Assemblymember Mar Berman (D), AB 2164 eliminates the requirement for physicians disclose their mental health conditions that do not impair their ability to practice medicine safely; allows the licensure board to ask about an applicant's participation in mental health or substance abuse programs under certain conditions; allows the board to offer a probationary license to applicants who disclose a condition impairing their ability to practice safely. Governor Gavin Newsom (D) signed the bill into law September 29.

#### [AB 2258](#) – Cancer **ENACTED**

Introduced by Assemblymember Rick Zbur (D), AB 2258 amends state law to require health insurers to provide no cost-sharing preventative care and cancer screenings for breast, cervical, and colorectal cancer. Governor Gavin Newsom (D) signed the bill into law September 27.

### [AB 2975](#) – Workplace Violence **ENACTED**

Introduced by Assemblymember Mike Gipson (D), AB 2975 requires an employer establish, implement, and maintain an effective injury prevention program, and hospitals establish workplace violence prevention plans as part of the hospital's injury and illness prevention program to protect facility personnel from aggressive and violent behavior including; maintaining metal detectors at specific entrances, and security personnel. Governor Gavin Newsom (D) signed the bill into law September 27.

### [AB 3030](#) – Artificial Intelligence **ENACTED**

Introduced by Assemblymember Lisa Calderon (D), AB 3030 mandates health facilities, clinics, physician's offices, or group practice offices utilizing generative artificial intelligence (AI) for creating written or verbal patient communications include a disclaimer informing the patient of the AI's involvement. Additionally, it requires providing clear instructions for patients to request communication with a human healthcare provider. Governor Gavin Newsom (D) signed the bill into law September 28.

### [SB 1120](#) – Prior Authorization **ENACTED**

Introduced by Senator Josh Becker (D), SB 1120 requires a health insurer to ensure a licensed physician supervises the use of artificial intelligence decision making tools when those tools are used to inform decisions to approve, modify, or deny requests for enrollees; non-urgent cases, decisions must be made within five business days, urgent cases require decisions within 72 hours; decisions must be communicated to providers and enrollees within 24 hours, written notifications within two business days for denials, delays, or modifications. Governor Gavin Newsom (D) signed the bill into law September 28.

### [SB 1451](#) – Scope of Practice **ENACTED**

Introduced by Senator Angelique Ashby (D), SB 1451 seeks to reduce nurse practitioner (NP) transition practice requirements to three years or 4,600 hours of practice within the last five years and an attestation from a licensed physician or NP; removes the requirement for NPs to inform patients of their right to see a physician; and deletes specific language for informing Spanish-speaking patients that the NP is not a physician or surgeon. Governor Gavin Newsom (D) signed the bill into law September 22.

## **ILLINOIS**

### [HR 903](#) – Cancer

Introduced by Representative Marcus Evans (D), HR 903 advocates for a Cancer Patients' Bill of Rights in the state; stressing access to precision medicine, genomic therapies, and clinical trials; provides for multidisciplinary supportive care; the patient's right to fully understand their diagnoses and treatment options in understandable languages. The bill was filed with the House Clerk.

## **MICHIGAN**

### [HB 5964](#) – Licensure

Introduced by Representative Jennifer Conlin (D), HB 5964 would add the state to the Interstate Medical Licensure Compact; expedites the licensure process for surgeons to work in multiple

states; maintains state medical board authority. The bill was introduced in the House and referred to the Health Policy Committee.

#### [HB 5970](#) – Cancer

Introduced by Representative Samantha Steckloff (D), HB 5970 amends the Social Welfare Act to provide coverage for pharmacogenomic testing, which analyzes genes for polymorphisms affecting the function of proteins identified in playing a role in drug metabolism. The bill was introduced in the House and referred to the Insurance and Financial Services Committee.

#### [SB 1029](#) – Scope of Practice

Introduced by Senator Kevin Hertel (D), SB 1029 provides licensure details and scope of practice for anesthesiologist assistants (AAs); mandates AAs operate under the supervision of an anesthesiologist; an anesthesiologist may not supervise more than four AAs concurrently and must be immediately available to address emergent clinical issues. The bill was introduced in the Senate and referred to the Health Policy Committee.

### **MISSOURI**

#### [SB 1403](#) – Cancer

Introduced by Senator Angela Mosley (D), HR 903 advocates for a Cancer Patients' Bill of Rights in the state; stressing access to precision medicine, genomic therapies, and clinical trials; timely processes to ensure access to oncology specialists with expertise in their type of cancer; the patient's right to fully understand their diagnoses and treatment options in understandable languages. The bill was introduced in the Senate and referred to the Health and Welfare Committee.

### **NEW JERSEY**

#### [A 1884](#) – License Discipline

Introduced by Assemblymember Herb Conaway (D), A 1884 adds the dissemination of false health information by health care professionals to the list of disciplinary misconduct; requires licensure boards to establish rules for identifying and disciplining those actions. The bill was introduced in the Assembly and referred to the Health Committee.

#### [A 4845](#) – Ambulatory Surgical Center

Introduced by Assemblymember Dawn Fantasia (R), A 4845 removes the requirement for surgical practices to be licensed as ambulatory care facilities (ACF); requires registration with the department of health; must meet accreditation standards; exempts a surgical practice from ACF assessment. The bill was introduced in the Assembly and referred to the Health Committee.

#### [ACR 144](#) – Cancer

Introduced by Assemblymember Shanique Speight (D), ACR 144 urges Congress to pass the "Find It Early Act" which requires health insurers to cover breast cancer screenings and diagnostic imaging with no cost-sharing. The bill was introduced in the Assembly and referred to the Health Committee.

#### [SCR 114](#) – Cancer

Introduced by Michael Testa (R), SCR 114 urges Congress to pass the “Find It Early Act” which requires health insurers to cover breast cancer screenings and diagnostic imaging with no cost-sharing. The resolution was introduced in the Senate and referred to the Health, Human Services and Senior Citizens Committee.

## **NEW YORK**

### [A 1696C](#) – Cancer **ENACTED**

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. Governor Kathy Hochul (D) signed the bill into law October 1.

### [S 2465C](#) – Cancer **ENACTED**

Introduced by Senator Roxanne Persaud (D), S 2465C requires health insurers to provide comprehensive coverage for various breast cancer screening methods, including mammograms, breast ultrasounds, and magnetic resonance imaging (MRI), as recommended by nationally recognized clinical practice guidelines; coverage is mandated to be available without imposing any cost sharing. Governor Kathy Hochul (D) signed the bill into law October 1.

## **PENNSYLVANIA**

### [HB 2562](#) – Insurance

Introduced by Representative Dan Frankel (D), HB 2562 prohibits health insurers from placing an annual or lifetime limit on core benefits; provides for suspension or revocation of offending insurer, a fine of not more than \$5,000 for each violation and a fine not to exceed \$10,000 for each willful violation. The bill was introduced in the House and referred to the Insurance Committee.

### [SR 343](#) – Cancer

Introduced by Senator Christine Tartaglione (D), SR 343 designates October 2024 as National Breast Cancer Awareness Month and October 18 as National Mammography Day, promoting awareness and early detection of breast cancer through screenings and public education. The bill was introduced in the Senate and referred to the Rules and Executive Nominations Committee.