

## **State Legislative Update – April 19, 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 & 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, 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](#).

### **CALIFORNIA ADVOCACY DAY**

The California Chapters of the American College of Surgeons sponsored the California Medical Association's Advocacy Day, held in Sacramento on April 10, which was attended by over 100 physicians and surgeons.

Jay Doucet, MD FACS, Kelly Swords MD FACS, John Maa, MD FACS, John Lamb MD FACS, Sigrid Burruss MD FACS, and Lorraine Kelley-Quon MD FACS, attended the general sessions. Speaker of the California Senate, Mike McGuire (D), provided an update of Senate activities over lunch.

California ACS Chapter doctors visited the offices of Assemblymember Phillip Chen (R), Assemblymember Laurie Davies (R), Assemblymember Diane Dixon (R), Assemblymember Cottie Petrie-Norris (D), and Assemblymember Freddie Rodriguez (D) to discuss prior authorization and the use of artificial intelligence in prior authorization claims processing, as well as proposed budget safeguards for the MedCal, the state's Medicaid program. All Assembly members responded positively to supporting these measures. E-bike safety legislation was discussed with Assemblymember Freddie Rodriguez's staff.

### **UPCOMING EVENTS**

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

## **ACS 2024 LEADERSHIP AND ADVOCACY SUMMIT**

The 2024 Leadership and Advocacy Summit was held from April 13-16, 2024, at the Westin Washington, DC Downtown Hotel. The Leadership & Advocacy Summit offered comprehensive and specialized sessions to provide ACS leaders and advocates with topics focused on effective surgeon leadership, as well as interactive advocacy training with coordinated visits to Congressional offices.

Surgeons met with their Congressional legislators to advocate for changes to physician Medicare fee schedule, surgeon shortages in rural areas, and Mission Zero funding. Senator John Boozman (R-AR), Representative John Joyce (R-PA-13), Representative Darin LaHood (R-IL-16), Representative Angie Craig (D-MN-02), and Representative Yadira Caraveo (D-CO-08) spoke at the Summit. Panel topics included AI in healthcare, surgical quality in patient-centered care, and working with patient advocacy groups.

If you are interested in finding out more about our Leadership and Advocacy Summit please [click here](#). Next year's Summit will be held April 5-8, 2025.

## **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](#).

### **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](http://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, Georgia, Idaho, Indiana, Kentucky, Maine, Maryland, Nebraska, New Mexico, Oregon, South Dakota, 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**

#### **[SJR 48](#) – Cancer**

Introduced by Senator Larry Stutts (R), SJR 48 is a resolution encouraging state citizens aged 45 and over to have access to all modalities of colorectal screening; coverage by Medicaid for

colorectal screenings are to be equal to other insurance plans in the state. The bill was introduced in the Senate and referred to the Senate Rules Committee.

## **CALIFORNIA**

### [SCR 109](#) – Cancer **ADOPTED**

Introduced by Senator Roger Niello (R), SCR 109 designates March as Colorectal Cancer Awareness Month. The bill was agreed to by concurrent resolution April 4.

## **DELAWARE**

### [HS 1 for HB 302](#) – Cancer

Introduced by Representative Stephanie Bolden (D), HS 1 broadens the definition of “prostate screening” to include any medically necessary and clinically appropriate method for the detection and diagnosis of prostate cancer, including a digital rectal exam and prostate-specific antigen test, and associated laboratory work; clarifies the ages prostate screenings must be covered as follows: (1) age 50 for men at average risk; (2) age 45 for men at high risk, including African American men and men with a first-degree relative diagnosed with prostate cancer; and (3) age 40 for men at higher risk, including men with more than one first degree relative diagnosed with prostate cancer. The bill was introduced in the House and is pending referral to a committee.

## **HAWAII**

### [HR 106](#) – Telehealth **ADOPTED**

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 and identify public policy initiatives at the federal and state levels to optimize telehealth utilization. The bill was agreed to via simple resolution April 4.

### [SR 80](#) – Telehealth **ADOPTED**

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 agreed to via simple resolution April 4.

## **ILLINOIS**

### [SB 2641](#) – Network Adequacy

Introduced by Senator Linda Holmes (D), SB 2641 directs the department of insurance to determine whether the network plan at each in-network hospital and facility has a sufficient number of hospital-based medical specialists. The bill was introduced in the Senate and referred to the Insurance Committee.

## **INDIANA**

### [HB 1058](#) – Cancer **ENACTED**

Introduced by Representative Sharon Negele (R), HB 1058 requires a facility performing a mammography to provide: an assessment of the patient's breast tissue density using specified classifications; written notice to the patient and the referring provider; and specified notification language depending on whether the facility determined the patient to have dense breast tissue or

not dense breast tissue; requires the medical licensing board to amend an administrative code rule to remove references to "high breast density" and to align with the breast tissue density classifications in this act. Governor Eric Holcom signed the bill into law March 4.

## **IOWA**

[SF 2160](#) – Certificate of Need **ENACTED**

Introduced by the Senate Health and Human Services Committee, SF 2160 exempts ambulatory surgical facilities where cosmetic, reconstructive, or plastic surgery services are provided.

Governor Kim Reynolds (R) signed the bill into law April 10.

## **KENTUCKY**

[HB 52](#) – Cancer **ENACTED**

Introduced by Representative Deanna Gordon (R), HB 52 requires coverage for screenings, tests, and procedures performed to detect cancer before diagnosis. Governor Andy Beshear (D) signed the bill into law April 4.

[HB 115](#) – Cancer **ENACTED**

Introduced by Representative Kimberly Moser (R), HB 115 prohibits cost-sharing requirements for any covered diagnostic or supplemental breast examination. Governor Andy Beshear (D) signed the bill into law April 5.

[HB 323](#) – Cancer **ENACTED**

Introduced by Representative Deanna Frazier (R), HB 323 establishes a program to reimburse firefighters for out-of-pocket expenses for cancer screenings. Governor Andy Beshear (D) signed the bill into law April 9.

## **MICHIGAN**

[HB 4472](#) – Scope of Practice

Introduced by Representative Alabas Farhat (D), HB 4472 requires physician assistants and advanced practice registered nurses to practice within a physician-led healthcare team and maintain collaboration and consultation with a physician member of the care team through a written practice agreement. The bill was introduced in the House and referred to the Health Policy Committee.

[SB 811](#) – Certificate of Need

Introduced by Senator Mark Huizenga (R), SB 811 outlines regulations for hospitals to establish extended care service programs utilizing swing beds; eligible hospitals must have fewer than 100 licensed beds and no unresolved licensing issues and must apply for certification. The bill was introduced in the House and referred to the Health Policy Committee.

## **MISSISSIPPI**

[HB 1143](#) – Step Therapy **ENACTED**

Introduced by Representative Samuel Creekmore (R), HB 1143 prohibits health benefit plans from requiring step therapy protocols before providing coverage of certain prescription drugs to treat advanced, metastatic cancer. Governor Tate Reeves (R) signed the bill into law April 18.

### [SB 2858](#) – Cancer

Introduced by Senator Josh Harkins (R), SB 2858 mandates that an insurer provides benefits with respect to screening, diagnostic breast examinations, and supplemental breast examinations furnished to an individual enrolled under such plan, the insurer cannot impose any cost-sharing requirements for those services. The bill was introduced in the Senate and referred to the Public Health and Welfare Committee.

## **NEBRASKA**

### [LB 829](#) – Cancer **ENACTED**

Introduced by Senator Carol Blood, LB 829 prevents patients from being subjected to additional charges for any medical service associated with a colonoscopy including anesthesia and polyp removal. Governor Jim Pillen (R) signed the bill into law April 18.

## **NEW HAMPSHIRE**

### [SB 352](#) – Cancer

Introduced by Senator Sharon Carson (R), SB 352 establishes an early-detection cancer screening pilot program for retired and full-time active firefighters. The bill was introduced in the Senate and referred to the Health and Human Services Committee.

## **NEW JERSEY**

### [A 2803](#) – Licensure

Introduced by Assemblymember Louis Greenwald (D), A 2803 extends authorization for out-of-state health care practitioners to practice in the state. The bill was introduced in the Assembly and referred to the Regulated Professions Committee.

### [A 4163](#) – Biomarker

Introduced by Assemblymember Shavonda Sumter (D), A 4163 requires health insurers to provide coverage for biomarker testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of an individual's disease or condition; stipulates a timeline for prior authorization decisions. The bill was introduced in the House and is pending referral to a committee.

### [A 4170](#) – Criminalization

Introduced by Assemblymember Annette Quijano (D), A 4170 prohibits certain surgical procedures on individuals born with variations in their sex characteristics unless necessary to address immediate physical harm, including surgeries altering genitalia and urinary function; healthcare professionals performing these surgeries on individuals 12 years old or younger without necessity face penalties, including civil liability; victims can file civil actions for damages and relief within 10 years of the surgery. The bill was introduced in the Assembly and referred to the Aging and Human Services Committee.

### [S 3098](#) – Biomarker

Introduced by Senator Vin Gopal (D), S 3098 requires health insurers to cover biomarker testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of a disease or condition of an insured when the test is supported by medical and scientific evidence. The bill was introduced in the Senate and referred to the Commerce Committee.

### [SCR 101](#) – Cancer

Introduced by Senator Linda Greenstein (D), SCR 101 urges the U.S. Preventive Services Task Force to lower recommended colorectal cancer screening age from 50 to 45. The bill was introduced in the Senate and referred to the Health Committee.

## **NEW YORK**

### [K 1095](#) – Cancer **ADOPTED**

Introduced by Assemblymember Dana Levenberg (D), K 1095 proclaims April 2024 as Oral Cancer Awareness Month. The bill was agreed to via simple resolution April 15.

### [S 9038](#) – Scope of Practice

Introduced by Senator Rachel May (D), S 9038 allows physician assistants to practice without supervision if they have practiced for more than eight thousand hours or completed a program approved by the department of education and department of health; expands where physician assistants can practice and their ability to treat patients. The bill was introduced in the Senate and referred to the Higher Education Committee.

## **VERMONT**

### [H 621](#) – Cancer

Introduced by Representative Laura Sibilia (I), H 621 provides for no cost sharing for a mammography or other medically necessary breast imaging services to detect the presence of breast cancer and other abnormalities of the breast or breast tissue. The bill was introduced in the House and referred to the Health Care Committee.

## **VIRGINIA**

### [HB 238](#) – Cancer **ENACTED**

Introduced by Representative Delores McQuinn (D), HB 238 requires health insurers to provide coverage for examinations and laboratory tests related to colorectal cancer screening in accordance with the most recently published recommendations established by the U.S. Preventive Services Task Force; requires coverage to include follow-up colonoscopy after a positive noninvasive stool-based screening test; prohibits such coverage from being subject to any deductible, coinsurance, or any other cost-sharing requirements for services received from participating providers. Governor Glenn Youngkin signed the bill into law March 28.

### [HB 971](#) – Scope of Practice **ENACTED**

Introduced by Delegate Kathy Tran (D), HB 971 reduces the number of required clinical practice hours an APRN needs prior to working independently from five years to three years. Governor Glen Youngkin (R) signed the bill into law April 4.

## **WASHINGTON**

### [HB 1957](#) – Cancer **ENACTED**

Introduced by Representative Marcus Riccelli (D), HB 1957 requires health plans to provide coverage for evidenced based services with a U.S. Preventive Services Task Force (USPSTF) rating of A or B; for women, additional preventive care and screenings not rated as A or B by the USPSTF but are provided for in comprehensive guidelines supported by the health resources and services administration; health insurer will determine whether any services must be covered

without cost-sharing requirements or covered at all. Governor Jay Inslee (D) signed the bill into law March 28.

[SB 5821](#) – Telehealth **ENACTED**

Introduced by Senator Ron Muzzall (R), SB 5821 establishes a uniform standard for creating a patient-physician relationship to cover audio-only telemedicine services. Governor Jay Inslee (D) signed the bill into law March 19.