

State Legislative Update – January 5, 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.

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

Wisconsin Advocacy Day, Madison, January 23, 2024

Puerto Rico Advocacy Day, San Juan, February 22-24, 2024

Virginia Chapter Surgeons' Advocacy Day, Richmond, January 23; Medical Society of Virginia Lobby Days; Richmond, January 16 and 23, February 7 and 19

IN THE NEWS

Pennsylvania launches website for appealing denied health insurance claims

The Pennsylvania Insurance Department has launched an [online independent appeal process](#) for state residents who believe their health plan wrongly denied a medical claim.

If an individual is eligible to appeal, a certified independent review organization made up of physicians and other healthcare professionals will review the case and medical records. Payers will be required to overturn denied claims if the review organization determines a service should have been covered, and all decisions are final.

Using the new website is free, and residents can expect a final decision within 45 days of submitting their request for review. Expedited reviews are also possible. The new process only applies to fully insured commercial plans, ACA plans or plans purchased directly from a payer.

STATUS OF LEGISLATIVE SESSIONS

Thirteen states are in regular or special session. Twenty-three are pre-filing for the 2024 session. Montana, Nevada, North Dakota, and Texas have no regular session in even-numbered years. Wyoming only considers budget issues in its brief (20 day) session. Legislative session information can be found [here](#).

LEGISLATIVE TRACKING

KENTUCKY

HB 49 – Moral Conscience

Introduced by Representative Steve Rawlings (R), HB 49 prohibits discrimination or reprimand against medical care providers who decline to perform procedures that violate their conscience and grants providers the right not to participate in or pay for services that violate their conscience; provides a civil cause of action to recover actual damages, recover the cost of the lawsuit, and provide any relief, including reinstatement of licensure and position; and does not allow the State Board of Medical Licensure to reprimand, sanction, or revoke a license of a physician engaged in protected first amendment speech. The bill was introduced and referred to the House Committee on Committees.

NEW HAMPSHIRE

HB 1427 – Assistant Physician

Introduced by Representative Brian Cole (R), HB 1427 creates a new licensure class for "deputy physicians" (DPs), similar to assistant physicians, for medical school graduates who passed Steps 1 and 2 of the USMLE and have English language proficiency, but have yet to complete the state's two year residency requirement; DPs must submit fingerprints and release a notarized criminal history record, practice under a collaborative practice agreement with a physician. The bill was introduced in the House Executive Departments and Administration Committee.

HB 1541 – Criminalization

Introduced by Representative Dave Testerman, HB 1541 requires abortions performed after viability or 15 weeks' gestation to be performed in a hospital with an intensive care unit and in the presence of a second physician; the second physician must make all reasonable attempts to preserve the life of the unborn child; violators are subject to criminal prosecution. The bill was introduced and referred to the House Judiciary Committee.

SB 371 – Licensure

Introduced by Senator Donovan Fenton (D), SB 371 adds rulemaking authority of the board of medicine to include eligibility requirements and duration of licensure for physician residency programs. The bill was introduced and referred to the Senate Executive Departments and Administration Committee.

NEW JERSEY

A 5757 – Telemedicine **ENACTED**

Introduced by Assemblyman Herb Conaway, Jr. (D), A 5757 extends certain payment parity regarding telemedicine for one year; does not apply to services provided by a telemedicine

provider who does not practice in-person care in NJ. Governor Phil Murphy (D) signed the bill into law December 21, 2023.

NEW YORK

[A 8378](#) – Scope of Practice

Introduced by Assemblymember Amy Paulin (D), A 8378 permits physician assistants to practice without supervision if they have practiced for more than 8,000 hours, are practicing in primary care, and are employed by a health system or hospital. The bill was introduced and referred to the Assembly Higher Education Committee.

[S 7875](#) - STOP THE BLEED ®

Introduced by Senator Steven Rhoads (R), S 7875 requires the following: the commissioner of education to develop a bleeding control kit program within the Department of Education, require bleeding control kits to be readily accessible in schools, include kit use in emergency plans and protocols, and train school personnel on stopping blood loss. The bill was introduced and referred to the Senate Education Committee.

OHIO

[HB 1873](#) – Licensure

Introduced by Representative Danilo Burgos (D), HB 1873 amends the Medical Practice Act to allow an exception for the board to grant a full and unrestricted license to practice medicine to a temporary licensee who graduated from an international medical school, performed the duties of a physician for at least three years outside the U.S., and demonstrates the following: competency as determined by the board; is in good standing two years after the date of issuance of a temporary license; and evidence the temporary licensee has an offer of employment as a physician at a health care facility operating in the Commonwealth. The bill was introduced and referred to the House Professional Licensure Committee.

SOUTH CAROLINA

[H 4619](#) – Criminalization

Introduced by Representative Melissa Oremus (R), H 4619 prohibits health care professionals from providing gender transition services to minors; violators are subject to disciplinary action by the board; contains a DSD exception. The bill was introduced and referred to the House Medical, Military, Public and Municipal Affairs Committee.

[H 4624](#) – Criminalization

Introduced by Representative David Hiott (R), H 4624 prohibits health care professionals from providing gender transition services to minors; violators are subject to disciplinary action by the board; contains a DSD exception. The bill was introduced and referred to the House Medical, Military, Public and Municipal Affairs Committee.

WASHINGTON

[HB 1954](#) – Criminalization

Introduced by Representative Marcus Riccelli (D), HB 1954 prohibits disciplinary action or a license denial due to a health professional providing gender-affirming care or reproductive care

“consistent with the standard of care in Washington.” The bill was introduced and referred to the House Health Care and Wellness Committee.