

## **State Legislative Update – January 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).

### **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, 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

### **STATE MEDICAL BOARDS**

#### **CALIFORNIA**

Senate Bill 815, signed into law by Governor Gavin Newsom (D) on September 30, 2023, brought multiple significant changes to the Medical Board of California through increased licensure fees for initial and renewal for physician and surgeon licensees and special faculty permits. Read more [here](#).

## **ALABAMA**

The Alabama State Board of Medical Examiners has determined that cyber harassment by a licensee constitutes unprofessional conduct. Harassing or intimidating conduct includes: doxing, mobbing, swatting, flaming, review bombing, cyberstalking, bullying, shaming, and dogpiling. Read more [here](#).

## **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**

### **ARIZONA**

[SB 1099](#) – Cancer

Introduced by Senator Catherine Miranda (D), SB 1099 Amends existing insurance laws to provide coverage for supplemental breast examinations. The bill was introduced in the Senate.

### **HAWAII**

[HB 1624](#) – Insurance

Introduced by Representative Chris Todd (D), HB 1624 requires health plans issued or renewed after December 31, 2024, to provide coverage for standard fertility preservation services. The bill was introduced and is pending a referral to a House Committee.

### **IDAHO**

[S 1229](#) – Criminalization

Introduced by Senator Daniel Foreman (R), S 1229 amends existing statute to provide exceptions to the criminal offense of providing an abortion. The bill was introduced and referred to the Senate State Affairs Committee.

### **MARYLAND**

[HB 312](#) – Scope of Practice

Introduced by Delegate Heather Bagnall (D), HB 312 requires physician assistants (PA) to have a collaboration agreement with the patient care team instead of a delegation agreement with a primary supervising physician to practice; increases the number of PAs to whom a patient care team physician may delegate medical acts; alters circumstances for PAs to perform advanced duties with the State Board of Physicians approval. The bill was referred to the House Health and Government Operations Committee.

## **MASSACHUSETTS**

### [H 1115](#) – Cancer

Introduced by Representative Edward Philips (D), H 1115 provides no cost-sharing for a baseline mammogram, which may include tomosynthesis, ultrasound evaluation, MRI or additional testing; screenings/exams annually for women thirty-five and up, women with a history of breast cancer, other breast cancer risk factors, or as deemed medically necessary by the woman's health care provider. The bill was introduced and referred to the House Financial Services Committee.

### [H 1396](#) – Good Samaritan

Introduced by Representative Donald Berthiaume (R), H 1396 seeks to provide protections relative to liability of persons in transit in private vehicles rendering care and assistance to persons in need. The bill was introduced and referred to the House Judiciary Committee.

### [S 985](#) – Good Samaritan

Introduced by Senator Anne Gobi (D), S 985 seeks to provide protections to any person who attempts to render care and assistance while in transit in a private vehicle to a person in need of care, and does so without compensation, will not be liable for acts or omissions, other than gross negligence or willful or wanton misconduct. The bill was introduced and referred to the Senate Judiciary Committee.

## **MISSOURI**

### [HB 1963](#) – Scope of Practice

Introduced by Representative Alex Riley (R), HB 1963 seeks to allow optometrists to use injectable agents used for the treatment of conditions or diseases of the eye, adnexa, and vision; and surgical procedures, including the use of lasers. The bill was introduced and referred to the House Professional Registration and Licensing Committee.

### [SB 956](#) – Scope of Practice

Introduced by Senator Karla Eslinger (R), SB 956 seeks to allow optometrists to use injectable agents used for the treatment of conditions or diseases of the eye, adnexa, and vision; and surgical procedures, including the use of lasers. The bill was pre-filed for the 2024 legislative session.

### [SB 1329](#) – Scope of Practice

Introduced by Senator Nick Schroer (R), SB 1329 establishes the Board of Naturopathic Medicine; allows naturopaths to provide primary care in performing physical examinations, clinical laboratory procedures, and minor office procedures; ordering laboratory examinations and diagnostic imaging studies; interpreting the results of laboratory examinations; prescribing, administering, dispensing, all legend drugs within Schedule III, IV, and V, and durable medical equipment and devices; using therapeutic devices and contraception devices; naturopaths shall not perform certain surgical procedures outside of minor office procedures, including laser surgery, surgery involving certain areas of the body beyond superficial tissue, and abortions; use

anesthetics; administer ionizing radioactive substances for therapeutic purposes; or treat a malignant lesion. The bill was introduced in the Senate.

## **NEBRASKA**

### [LB 1274](#) – Insurance

Introduced by Senator John Cavanaugh (D), LB 1274 requires coverage for prosthetics and orthotics as prescribed; coverage should be at least equivalent to that provided under the federal Medicare program; and prohibits annual or lifetime dollar maximums on prosthetics and orthotics. The bill was introduced in the Senate.

## **TENNESSEE**

### [SB 983](#) – Criminalization

Introduced by Senator Ken Yager (R), SB 983 amends state law to create a criminal offense for a person who performs an elective abortion as a Class C felony. The bill was introduced and referred to the Senate Judiciary Committee.

## **VIRGINIA**

### [HB 1364](#) – Criminalization

Introduced by Delegate Timothy Griffin (R), HB 1364 amends existing law to make an abortion provider guilty of a class 4 misdemeanor in cases where the mother's life is not at risk. The bill is pending referral to a House Committee.

## **WEST VIRGINIA**

### [HB 4751](#) – Medicaid

Introduced by Delegate Mike Pushkin (D), HB 4751 mandates Medicaid managed care organizations contract with any willing hospital, doctor, behavioral health provider, or other provider to offer services in a Medicaid region contingent on the provider being willing to accept payments and terms. The bill was introduced and referred to the House Health and Human Resources Committee.

### [HB 4753](#) – Biomarker

Introduced by Delegate Steve Westfall (R), HB 4753 requires health insurers to provide coverage for biomarker testing. The bill was introduced and referred to the House Banking and Insurance Committee.

### [SB 444](#) – Insurance

Introduced by Senator Vince Deeds (R), SB 444 amends law to require insurers cover emergency medical services, prehospital screening, and stabilization of emergency conditions by ambulance service if the insured is transported to an emergency room or if the patient declines to be

transported against medical advice. The bill was introduced and referred to the Senate Health and Human Resources Committee.

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