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

**UPCOMING EVENTS**

California Advocacy Day, Sacramento, April 10; register [here](https://www.cmadocs.org/event-info/sessionaltcd/LEGDAY24/t/legislative-advocacy-day).

**IN THE NEWS**

**Change Healthcare cyber outage**

Change Healthcare, a data analytics, technology, and clearinghouse subsidiary of UnitedHealth Group (UHG), experienced a cybersecurity incident on February 21, 2024. More than a week after the attack, physician practices, hospitals, and retail pharmacies continue to experience disruptions in electronic health care transactions, including claims processing, eligibility verification, and electronic prescribing. The AMA has created a [dedicated webpage](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ama-assn.org%2Fpractice-management%2Fsustainability%2Fchange-healthcare-cyber-outage&data=05%7C02%7Cchendricks%40facs.org%7C3b6417c13072432780b308dc399205ba%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638448546544235459%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=%2BYcxiPePsct4jRexkKhuCQTbRRUJFApeHSz76UR6auY%3D&reserved=0) on this issue, which will be regularly updated as more information becomes available.

**'Incivility' comes through healthcare's doors every day, Inova CEO says**

The healthcare workforce is dealing with challenges that are more severe than they were even two or three years ago, Virginia-based Inova Health CEO J. Stephen Jones, MD, recently told *Becker's.* This is difficult for people who go into healthcare — whether they are clinicians or work in other capacities — because they tend to be compassionate people who care deeply for patients as well as others with whom they interact.

Dr. Jones [cited](https://www.bls.gov/iif/nonfatal-injuries-and-illnesses-tables/case-and-demographic-characteristics-table-r4-2020.htm) federal data that showed that healthcare workers make up more than three-quarters of all workplace violence victims in the United States. Read the article [here](https://www.beckershospitalreview.com/hospital-management-administration/incivility-comes-through-healthcares-doors-every-day-inova-ceo-says.html?origin=BHRSUN&utm_source=BHRSUN&utm_medium=email&utm_content=newsletter&oly_enc_id=7464A0943223E2B).

**STATE MEDICAL BOARDS**

**Ohio**

[Public Hearing Notice](https://med.ohio.gov/static/laws-and-regulations/Filed%20Notice%20of%20Public%20Hearing%20for%20proposed%20amended%20OAC%204731-25-02.pdf?utm_source=BenchmarkEmail&utm_campaign=February_2024_eNews&utm_medium=email) on Proposed Office-Based Surgery regulations is scheduled for March 27, 2024, in conference room 420 of the Rhodes State Office Tower, 30 E. Broad St., 4th Floor, Columbus, OH 43215. Oral or written testimony may be presented by any person affected by the proposed regulations.

The proposed regulation would add the following language to existing regulation: *(I) A special procedure or surgery that is prohibited by rule of the Administrative Code or law of the Revised Code to be performed in a hospital or ambulatory surgical facility shall not be performed in an office setting.*

**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 or visit the website [here](https://www.providerbridge.org/).

**Make a Wish®**

Refer a child to [Make-A-Wish](https://wish.org/refer-a-child)®. 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](https://wish.org/refer-a-child). In addition to the referral form, you will also find medical guidance sheets regarding eligibility within sub-specialty departments.

**STATUS OF LEGISLATIVE SESSIONS**

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**

**DELAWARE**

[HB 15](https://legis.delaware.gov/BillDetail?LegislationId=140957) – Cancer

Introduced by Speaker Valerie Longhurst (D), HB 15 requires health care insurers to cover annual ovarian cancer screening tests for women at risk for ovarian cancer; includes monitoring tests for women subsequent to ovarian cancer treatment. The bill was introduced in the House and referred to the Health and Human Development Committee.

**FLORIDA**

[HB 7087](https://flsenate.gov/Session/Bill/2024/7087/BillText/Filed/PDF) – Cancer

Introduced by the House Health and Human Services Committee, HB 7087 creates the Cancer Connect Collaborative (“Collaborative”) to advise the Department of Health (DOH) and the legislature on developing a holistic approach to fund cancer research, cancer facilities, and treatments for cancer patients; the Collaborative will administer the Cancer Innovation Fund and review applications and make recommendations to DOH for awarding grants; the Collaborative will prioritize applications seeking to expand cancer treatment into underserved areas in the state. The bill was introduced in the House and referred to the Calendar.

**GEORGIA**

[HR 1280](https://www.legis.ga.gov/api/legislation/document/20232024/225664) – Cancer ADOPTED

Introduced by Representative Gerald Greene (R), HR 1280 recognizes March 2024 as Colorectal Cancer Awareness Month. The bill was introduced in the House and Adopted.

**KENTUCKY**

[SB 270](https://apps.legislature.ky.gov/recorddocuments/bill/24RS/sb270/orig_bill.pdf) – Prior Authorization

Introduced by Senator Jason Howell (R), SB 270 establishes requirements for prior authorization exemptions and rescinding exemptions; sets requirements for external review; prohibits retrospective denial, reduction in payment, and review of health care services for which a health care provider has a prior authorization exemption; reporting requirements for health insurance plans to department of insurance. The bill was introduced in the Senate and referred to the Committee on Committees.

**LOUISIANA**

[SB 18](https://www.legis.la.gov/legis/ViewDocument.aspx?d=1346762) – Professional Liability

Introduced by Senator Alan Seabough (R), SB 18 allows all evidence related to the limitations of recoverable past medical expenses shall be admissible and considered by the jury. The bill was pre-filed in the Senate and referred to the Judiciary Committee.

[SB 48](https://www.legis.la.gov/legis/ViewDocument.aspx?d=1346840) – Biomarker

Introduced by Senator Kirk Talbot (R), SB 48 amends state law to add a definition for “consensus states”; adds when test provides clinical utility as demonstrated by medical and scientific evidence; provides enforcement for the state commissioner of insurance. The bill was pre-filed in the Senate and referred to the Insurance Committee.

**MASSACHUSETTS**

[H 1882](https://malegislature.gov/Bills/193/H1882) – Workplace Violence

Introduced by Representative Jessica Giannino (D), H 1882 seeks to add psychological workplace safety to provide a workplace free from bullying, mobbing, and mental harassment; creates a civil action and damages. The bill was introduced in the House and referred to the Labor and Workforce Development Committee.

**MINNESOTA**

[HF 4200](https://www.revisor.mn.gov/bills/text.php?number=HF4200&version=0&session=ls93&session_year=2024&session_number=0&format=pdf) – Adverse Reporting

Introduced by Representative Sandra Feist (D), HF 4200 requires the continued publication of annual adverse health event report; during root cause analysis, the facility must notify any individual whose conduct is under review and inform them of the subject, purpose, date, and time of the meeting. The bill was introduced in the House and referred to the Health Finance and Policy Committee.

[SF 4303](https://www.revisor.mn.gov/bills/text.php?number=SF4303&version=0&session=ls93&session_year=2024&session_number=0&format=pdf) – Scope of Practice

Introduced by Senator Rober Kupec (D), SF 4303 eliminates the collaborative agreement requirement for an advanced practice registered nurse allowing for independent practice. The bill was introduced in the Senate and referred to the Health and Human Services Committee.

[SF 4335](https://www.revisor.mn.gov/bills/text.php?number=SF4335&version=0&session=ls93&session_year=2024&session_number=0&format=pdf) – Prior Authorization

Introduced by Senator Susan Pha (D), SF 4335 requires any authorization for a prescription drug to remain valid for the duration of an enrollee’s contract term, as long as the drug is being prescribed for a patient with a condition that requires ongoing medication therapy. The bill was introduced in the Senate and referred to the Commerce and Consumer Protection Committee.

[SF 4444](https://www.revisor.mn.gov/bills/text.php?number=SF4444&version=0&session=ls93&session_year=2024&session_number=0&format=pdf) – Adverse Reporting

Introduced by Senator Lindsey Port (D), SF 4444 requires the continued publication of annual adverse health event report; during root cause analysis, the facility must notify any individual whose conduct is under review and inform them of the subject, purpose, date, and time of the meeting. The bill was introduced in the Senate and referred to the Health and Human Services Committee.

**MISSISSIPPI**

[SB 2864](https://billstatus.ls.state.ms.us/documents/2024/pdf/SB/2800-2899/SB2864IN.pdf) – Scope of Practice

Introduced by Senator Brice Wiggins (R), SB 2864 requires health care providers who work under a collaborative agreement to display, disclose, and post a statement identifying the collaborating physician and include the collaborating physician on any referral made for any patient. The bill was introduced in the Senate and referred to the Public Health and Welfare Committee.

[SB 2872](https://billstatus.ls.state.ms.us/documents/2024/pdf/SB/2800-2899/SB2872IN.pdf) – Certificate of Need

Introduced by Senator Jeff Tate (R), SB 2872 repeals statutory provision exempting hospitals under the Rural Health Availability Act from compliance with the certificate of need law. The bill was introduced in the Senate and referred to the Public Health and Welfare Committee.

**MISSOURI**

[HB 2808](https://documents.house.mo.gov/billtracking/bills241/hlrbillspdf/5781H.01I.pdf) – Certificate of Need

Introduced by Representative Kent Haden (R), HB 2808 amends state law as to how facilities are licensed under the certificate of need law, including a tiered level of regulation on office-based surgery facilities to ensure the safety of patients at each tier. The bill was introduced in the House and is pending referral to a committee.

**NEW JERSEY**

[A 3853](https://pub.njleg.state.nj.us/Bills/2024/A4000/3853_I1.PDF) – Telemedicine

Introduced by Assemblymember Herb Conaway, Jr. (D), A 3853 extends the end date for telemedicine payment parity from December 2024 to December 2025. The bill was introduced in the Assembly and referred to the Health Committee.

[A 3860](https://pub.njleg.state.nj.us/Bills/2024/A4000/3860_I1.PDF) – Surprise Billing

Introduced by Assemblymember Verlina Reynolds-Jackson (D), A 3860 requires a health care professional to provide to the patient a consolidated statement detailing the health care service charges in plain language; must provide the statement within 30 days after a patient’s discharge or within seven days of receiving a written request. The bill was introduced in the Senate and referred to the Financial Institutions and Insurance Committee.

[S 2795](https://pub.njleg.state.nj.us/Bills/2024/S3000/2795_I1.PDF) – Surprise Billing

Introduced by Senator Shirley Turner (D), S 2795 requires a health care professional to provide to the patient a consolidated statement detailing the health care service charges in plain language; must provide the statement within 30 days after a patient’s discharge or within seven days of receiving a written request. The bill was introduced in the Senate and referred to the Commerce Committee.

**NEW YORK**

[A 9301](https://legislation.nysenate.gov/pdf/bills/2023/A9301) – Licensure

Introduced by Assemblymember Amy Paulin (D), A 9301 seeks to provide a pathway for joining the interstate medical licensure compact. The bill was introduced in the Assembly and referred to the Higher Education

**RHODE ISLAND**

[H 7696](https://webserver.rilegislature.gov/BillText/BillText24/HouseText24/H7696.pdf) – Restrictive Covenant

Introduced by Representative June Speakman (D), H 7696 prohibits a restrictive covenant in any agreement with an advanced practice registered nurse. The bill was introduced in the House and referred to the Health and Human Services Committee.

**VIRGINIA**

[HR 269](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=241&typ=bil&val=hr269&submit=GO) – Honorific

Introduced by Delegate Phillip Hernandez (D), HR 269 honors Jessica Burgess, MD FACS, by the Virginia Legislature as one of the top “40 under 40” female surgeons as ranked by the Association of Women Surgeons. The bill was introduced in the House and is pending referral to a committee.

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/)