

State Legislative Update – May 10, 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. 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](#).

NEW YORK ADVOCACY DAY

On May 7, 2024, the American College of Surgeons New York State Chapter hosted their annual advocacy day in Albany. Eleven Fellows were in-person and attended over 15 legislative meetings, including Assemblymembers Jeff Dinowitz (D) and Daniel O'Donnell (D), chair of the Assembly Health Committee.

Issues discussed included STOP THE BLEED®, workplace violence prevention, wrongful death expansion, the protection of quality assurance discussions, utilization review, and UV devices. Legislators seemed receptive to many requests and the surgeons look forward to ongoing discussions.

STATE MEDICAL BOARDS

Ohio medical board adopts office-based surgery rule

The state Medical Board of Ohio adopted the office-based surgery rule to include language prohibiting any special procedure or surgery prohibited by state law to be performed in a hospital or ambulatory surgical facility cannot be performed in an office setting. The Rule becomes effective May 18, 2024. Read more [here](#).

Doctors are liable for the AI they use, state medical board group says

At their annual meeting in Nashville last month, the Federation of State Medical Boards (FSMB) released a new report offering guidance to the state licensure boards stating, “Once a physician chooses to use AI, they accept responsibility for responding appropriately to the AI’s recommendations.”

As AI permeates into health care, medical tech companies and health systems alike are wondering [who is ultimately responsible](#) for AI decisions that harm patients.

State legislatures are beginning to consider their medical board’s role in regulating how doctors use AI and the FSMB report outlines best practices for regulating doctors’ use of AI. Read the report [here](#).

STATUS OF LEGISLATIVE SESSIONS

The following state legislatures remain in session: Alaska, Arizona, California, Delaware, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, and Vermont.

Montana, Nevada, North Dakota, and Texas have no regular session in even-numbered years. Legislative session information can be found [here](#).

LEGISLATIVE TRACKING

CALIFORNIA

[ACR 196](#) – Cancer

Introduced by Assemblymember Tri Ta (R), ACR 196 proclaims November 2024 as Lung Cancer Awareness Month and the second Saturday of November 2024 as Lung Cancer Screening Day. The bill was introduced in the Assembly and is pending referral to a committee.

COLORADO

[HB 1472](#) – Professional Liability

Introduced by Representative Kyle Brown (D), HB 1472 increases the cap on damages for noneconomic loss from \$250,000 to \$1.5 million with adjustments based on inflation; imposes a wrongful death damages cap of \$2.125 million, and with adjustments based on inflation; incrementally increases the medical malpractice wrongful death damages limitation to \$1.575 million over the course of 5 years; incrementally increases the noneconomic damages limitation to \$875,000 over the course of 5 years; adds a sibling of the deceased as a party who can bring a wrongful death action. The bill was introduced in the House and referred to the Judiciary Committee.

GEORGIA

[SB 195](#) – Licensure **ENACTED**

Introduced by Senator Larry Walker (R), SB 195 seeks to expedite health care licensure for service members and military spouses transitioning into the state from 90 days to 30 days. Governor Brian Kemp (R) signed the bill into law May 2.

IOWA

[HF 2489](#) – Cancer **ENACTED**

Introduced by the House Committee on Commerce, HF 2489 requires health care insurers to provide coverage for diagnostic and supplemental breast examinations. Governor Kim Reynolds (R) signed the bill into law May 1.

[HF 2668](#) – Biomarker **ENACTED**

Introduced by the House Appropriations Committee, HF 2668 requires health insurance policies to cover biomarker testing for diagnosing, treating, managing, or monitoring a disease or condition in covered individuals when the test has demonstrated clinical utility. The bill was introduced in the House and is pending referral to a committee. Governor Kim Reynolds (R) signed the bill into law May 1.

[SF 477](#) – Licensure **ENACTED**

Introduced by the State Government Committee, SF 477 allows the board of medicine to grant a provisional license to practice medicine and surgery to an international physician with an offer for employment as a physician at a health care facility. Governor Kim Reynolds (R) signed the bill into law May 3.

MICHIGAN

[HB 5704](#) – Workplace Violence

Introduced by Representative Andrew Beeler (R), HB 5704 imposes mandatory minimum prison sentences for assault on a healthcare worker; increases the charges from a misdemeanor to a felony. The bill was introduced in the House and referred to the Government Operations Committee.

MISSISSIPPI

[SC 539](#) – Trauma **ADOPTED**

Introduced by Senator Walter Michel (R), SC 539 designates March 2024 as Brain Injury Awareness Month to promote awareness of acquired brain injuries. The bill was adopted May 2.

NEW JERSEY

[A 4199](#) – Professional Liability

Introduced by Assemblymember John Azzariti (R), A 4199 requires a physician who testifies as an expert witness in a professional liability action be licensed in the state. The bill was introduced in the Assembly and referred to the Regulated Professions Committee.

NEW YORK

[J 2278](#) – STOP THE BLEED® **ADOPTED**

Introduced by Senator Gustavo Rivera (D), J 2278 proclaims May 2024, as STOP THE BLEED® Month in the State of New York. The bill was adopted May 7.

NORTH CAROLINA

[H 1056](#) – Licensure

Introduced by Representative Erin Pare (R), H 1056 allows the state to join the Interstate Medical Licensure Compact. The bill was introduced in the House and referred to the Health Committee.

[S 879](#) – Licensure

Introduced by Senator Ralph Hise (R), S 879 allows the state to join the Interstate Medical Licensure Compact. The bill was introduced in the Senate and referred to the Rules and Operations Committee.

[S 899](#) – Cancer

Introduced by Senator Sydney Batch (D), S 899 requires parity for breast cancer diagnostic imaging, mandates coverage for cervical cancer laboratory tests and low-dose screening mammographs and requires mammography examinations to include information about breast density classification in the report, including whether the patient has dense breast tissue or not. The bill was introduced in the Senate and referred to the Rules and Operations Committee.

OHIO

[SB 264](#) – Cancer

Introduced by Senator Catherine Ingram (D), SB 264 adds screening awareness to Colorectal Cancer Awareness Month. The bill was introduced in the Senate and is pending referral to a committee.

OKLAHOMA

[HR 1045](#) – Cancer **ADOPTED**

Introduced by Representative Cyndi Munson (D), HR 1045 is a resolution designating the second week in May as Lung Cancer Action Week. The bill was adopted May 7.

PENNSYLVANIA

[HR 414](#) – Cancer **ADOPTED**

Introduced by Representative Jordan Harris (D), HR 414 designates May 7, 2024, as Cancer Action Day; to identify the burden of cancer and urge the advancement of legislation in support of cancer prevention, detection, and treatment. The bill was adopted May 7.

[SR 292](#) – Cancer

Introduced by Senator Kim Ward (R), SR 292 designates the month of May 2024 as "Mammography Month." The resolution was introduced in the Senate and referred to the Rules and Executive Nominations Committee.

RHODE ISLAND

[H 8237](#) – Scope of Practice

Introduced by Representative Joseph McNamara (D), H 8237 prohibits the independent administration of propofol, and all FDA-classified general anesthetics for any surgery or procedure, as not within the scope of practice of nurse practitioners or advanced practice registered nurses. The bill was introduced in the Senate and referred to the Health and Human Services Committee.

[H 8242](#) – Single Payer

Introduced by Representative David Morales (D), H 8242 establishes a universal, comprehensive, affordable single-payer health care insurance program. The bill was introduced in the House and referred to the Finance Committee.

[S 3035](#) – Scope of Practice

Introduced by Senator Frank Lombardi (D), S 3035 prohibits the independent administration of propofol, and all FDA-classified general anesthetics for any surgery or procedure, as not within the scope of practice of nurse practitioners or advanced practice registered nurses. The bill was introduced in the Senate and referred to the Health and Human Services Committee.

TENNESSEE

[HB 2001](#) – Professional Liability

Introduced by Representative Andrew Farmer (R), HB 2001 repeals the collateral source rule; damages awarded may include actual economic losses suffered by the claimant. The bill was introduced in the House and referred to the Civil Justice Committee.

[SB 734](#) – Truth in Advertising **ENACTED**

Introduced by Senator Richard Briggs (R), SB 734 requires a healthcare practitioner to communicate to a patient the practitioner's full name and type of license in writing at the patient's initial office visit. Governor Bill Lee (R) signed the bill into law May 6.

[SB 2253](#) – Professional Liability **ENACTED**

Introduced by Senator John Stevens (R), SB 2253 repeals the collateral source rule; damages awarded may include actual economic losses suffered by the claimant. Governor Bill Lee (R) signed the bill into law May 1.

[SB 2328](#) – Insurance **ENACTED**

Introduced by Senator Ken Yager (R), SB 2328 limits payment recoupment by a health care insurance carrier to six months after the health care practitioner submits a claim, exceptions for fraud; details the process for the insurer to follow when seeking recoupment; payment recoupment must not be withheld from the health care practitioner until all appeals are exhausted. Governor Bill Lee (R) signed the bill into law May 1.