

## **State Legislative Update – June 14, 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 and Development
- Cancer Screening, Testing, and Treatment
- Insurance and 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](#).

### **IN THE NEWS**

#### **AMA Annual Meeting**

The 2024 Annual Meeting of the American Medical Association (AMA) House of Delegates (HOD) took place June 7-12. Five FACS candidates endorsed by the American College of Surgeons won their elections:

- Bobby Mukkamala, JD, FACS: elected AMA President-elect
- David H. Aizuss, MD, FACS: elected to Board of Trustees
- John Armstrong, MD, FACS: re-elected as Vice Speaker of the AMA
- Steven Chen, MD, MPH, FACS: elected to Council on Medical Service
- Lynn Jeffers, MD, MBA, FACS: elected to Board of Trustees
- David Welsh, MD, MBA, FACS: elected to Board of Trustees

The delegation reviewed 202 resolutions and 72 council reports, totaling over 1,800 pages of materials. All ACS delegates participated actively in crafting AMA policy through their involvement in Reference Committees and Business Sessions.

The American College of Surgeons delegation to the 2024 AMA HOD consists of: Jacob Moalem, MD, FACS, Chair; John Armstrong, MD, FACS, FCCP, AMA Vice Speaker; Ross Goldberg, MD, FACS; Leigh Neumayer, MD, MBA, MA, FACS; Naveen Sangji, MD, MPH;

Kenneth Sharp, MD, FACS; Daniel Dent, MD, FACS; Michael Visenio, MD, MPH; and Luke Selby MD, FACS.

### **STATUS OF LEGISLATIVE SESSIONS**

The following state legislatures remain in session: Arizona, California, Delaware, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Rhode Island.

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

### **LEGISLATIVE TRACKING**

#### **COLORADO**

##### **HB 1149 – Prior Authorization **ENACTED****

Introduced by Representative Shannon Bird (D), HB 1149 requires health insurance carriers and pharmacy benefit manager to adopt a program to eliminate or modify prior authorization requirements; health care insurers are prohibited from denying a claim for a healthcare procedure. Governor Jared Polis (D) signed the bill into law June 3.

##### **HB 1153 – Licensure **ENACTED****

Introduced by Representative Lorena Garcia (D), HB 1153 establishes a continuing medical education requirement of 40 hours in the 24 months preceding license renewal, reinstatement, or reactivation of a physician license. Governor Jared Polis (D) signed the bill into law June 4.

##### **HB 1472 – Professional Liability **ENACTED****

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. Governor Jared Polis (D) signed the bill into law June 3.

##### **SB 86 – Cancer **ENACTED****

Introduced by Senator Dafna Michaelson Jenet (D), SB 86 transfers \$500,000 from the breast and cervical cancer prevention and treatment fund to the breast cancer screening fund for fiscal year 2024-25. Governor Jared Polis (D) signed the bill into law June 5.

##### **SB 124 – Biomarker **ENACTED****

Introduced by Senator Dafna Michaelson Jenet (D), SB 124 requires health care insurance plans to provide coverage for biomarker testing to guide treatment decisions if the testing is supported by medical and scientific evidence; testing is subject to cost sharing. Governor Jared Polis (D) signed the bill into law June 3.

[SB 141](#) – Telehealth **ENACTED**

Introduced by Senator Dafna Jenet (D), SB 141 allows a physician credentialed in another state to provide health care services through telehealth to patients located in the state if the physician registers with the state licensure board. Governor Jared Polis (D) signed the bill into law June 7.

**DELAWARE**

[SCR 183](#) – Cancer

Introduced by Senator David Wilson (R), SCR 183 proclaims September 2024 as prostate cancer awareness month. The resolution was introduced in the Senate and is pending referral to a committee.

**DISTRICT OF COLUMBIA**

[B25-545](#) – Scope of Practice **ENACTED**

Introduced by Councilmember Phil Mendelson (D), B24-545 establishes standards for telehealth practice; allows podiatrists to practice within the full range of the education and training, including treatment of hands and wrists; eliminates the chiropractic and podiatry boards and gives the board of medicine regulatory authority. Mayor Muriel Bowser (D) signed the bill into law May 29.

**FLORIDA**

[HB 5001](#) – STOP THE BLEED® **ENACTED**

Introduced by Representative Thomas Leek (R), HB 5001 appropriates funds for purchasing and placing bleeding control kits in public schools. Governor Ron DeSantis (R) signed the bill into law June 12.

**LOUISIANA**

[HB 655](#) – Prior Authorization **ENACTED**

Introduced by Representative Dustin Miller (D), HB 655 mandates a third party requiring prior authorization for a Medicaid healthcare service to accept authorization provided by the department of health. Governor Jeff Landry (R) signed the bill into law May 23.

[HB 839](#) – Step Therapy **ENACTED**

Introduced by Representative Troy Herbert (R), HB 839 prohibits a health care plan from imposing step-therapy for a prescription ventilator. Governor Jeff Landry (R) signed the bill into law June 3.

**MASSACHUSETTS**

[H 1131](#) – Prior Authorization

Introduced by Representative Jeffrey Roy (D), H 1131 mandates health care insurers provide cost sharing information, prior authorization, and step therapy requirements to patients with detailed information regarding costs. The bill was introduced in the House and referred to the Financial Services Committee.

## **MICHIGAN**

### [HB 4579](#) – Telemedicine **ENACTED**

Introduced by Representative Natalie Price (D), HB 4579 requires health care insurers to provide reimbursement parity for telemedicine services the same as a face-to-face encounter. Governor Gretchen Witmer (D) signed the bill into law June 6.

### [HB 4580](#) – Telemedicine **ENACTED**

Introduced by Representative Felicia Brabec (D), HB 4580 requires Medicaid health care insurers to provide reimbursement parity for telemedicine services the same as a face-to-face encounter. Governor Gretchen Witmer (D) signed the bill into law June 6.

## **NEW HAMPSHIRE**

### [HB 1296](#) – Cancer **ENACTED**

Introduced by Representative Catherine Rombeau (D), HB 1296 provides for no cost sharing diagnostic and supplemental breast examinations. Governor Chris Sununu (R) signed the bill into law June 4.

## **NEW JERSEY**

### [A 3939](#) – Cancer **ENACTED**

Introduced by Assemblymember Sterley Stanley (D), A 3939 mandates access to periodic cancer screening examinations for professional firefighters not enrolled in state health benefit program (SHBP), but who are eligible for SHBP benefits by virtue of public employment. Governor Phil Murphy (D) signed the bill into law June 3.

## **NEW YORK**

### [K 2377](#) – Ambulatory Surgery Centers

Introduced by Assemblymember Amy Paulin (D), K 2377 proclaims August 2024 as Ambulatory Surgery Center month. The resolution was introduced in the Assembly and is pending referral to a committee.

### [K 2416](#) – Cancer **ADOPTED**

Introduced by Assemblymember Linda Rosenthal (D), K 2416 proclaims November 9, 2024, as Lung Cancer Screening Awareness Day. The resolution was adopted June 5.

### [K 2441](#) – Cancer

Introduced by Assemblymember Harry Bronson (D), K 2441 proclaims October 2024 as Breast Cancer Awareness Month. The resolution was introduced in and referred to the calendar.

## **OHIO**

### [HB 68](#) – Criminalization **ENACTED**

Introduced by Representative Gary Click (R), HB 68 prohibits gender reassignment surgery on a minor and prescribing cross-sex hormone treatment without parental consent; provides for civil action which can entitle a victim psychological and emotional damages. The legislature overrode the governor's veto on April 24.

[HB 619](#) – Cancer

Introduced by Representative Jean Schmidt (R), HB 619 mandates health care insurers provide coverage for breast cancer screenings including annual screening mammography's, supplemental screenings for individuals with dense breast tissue or increased risk of breast cancer, and diagnostic exams deemed necessary by their health care provider. The bill was introduced in the House and is pending referral to a committee.

**TENNESSEE**

[HB 2269](#) – Certificate of Need **ENACTED**

Introduced by Representative Clark Boyd (R), HB 2269 prohibits the establishment of a satellite emergency department facility or inpatient facility at a location other than the hospital's main campus; abolishes certificate of need for a county with no acute care hospital. Governor Bill Lee (R) signed the bill into law May 28.

[HB 2954](#) – Cancer **ENACTED**

Introduced by Representative G.A. Hardaway (D), HB 2954 requires health care insurers cover early detection of prostate cancer in men with a family history; men 40 to 49 years of age at high risk; men 50 years of age and older; and men whose physician determines early detection is medically necessary. Governor Bill Lee (R) signed the bill into law May 29.

[SB 2009](#) – Certificate of Need

Introduced by Senator Shane Reeves (R), SB 2009 prohibits the establishment of a satellite emergency department facility or inpatient facility at a location other than the hospital's main campus; abolishes certificate of need for a county with no acute care hospital. The bill was introduced in the Senate and referred to the Senate Health and Welfare Committee.