

State Legislative Update – August 9, 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 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

Use of prior authorization in Medicare Advantage exceeded 46 million requests in 2022

The Kaiser Family Foundation found 99% of all enrollees in Medicare Advantage are required to obtain prior authorization (PA) for some services. The 46 million PA requests in 2022 are up from 37 million in 2019. Insurers fully or partially denied 3.4 million (7.4%) requests in 2022 compared to 5.8% in 2021. Only one in ten (9.9%) denied PA requests were appealed, which is an increase from 2019 when 7.5% of denied requests were appealed. Read more [here](#).

The Federation of State Medical Boards alert member boards about scam targeting physicians

Individuals posing as a Federation of State Medical Boards (FSMB) staff member are contacting physicians offering to resolve an issue with their license in an attempt to extract personal information. Please know the FSMB will never contact licensees directly pertaining to their license or any disciplinary action. If you have a question regarding your medical license, contact your [state medical board](#).

Epic Data Dispute

Electronic health records giant Epic claims Integritort, which provides analysis of medical records for legal cases, incorrectly accessed patient data through Carequality, a nonprofit

framework for sharing health data. Epic says Integritort retrieved the data by falsely claiming it was for treatment purposes.

Epic filed a still-ongoing dispute with Carequality earlier this year, saying Integritort accessed data for litigation purposes through Particle while falsely claiming it was for treatment reasons. Read more [here](#).

Provider Bridge

Provider Bridge makes it easier and faster for healthcare professionals to provide assistance when emergencies and natural disasters happen by verifying clinicians willing to provide in-person or telehealth services during emergencies and natural disasters.

By registering with Provider Bridge, you will be part of an active and extensive database allowing healthcare entities seeking to supplement their care during declared emergencies.

Providerbridge.org was made possible by the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services as part of the Licensure Portability Program and partners with the Federation of State Medical Boards and the American Board of Medical Specialties. Register [here](#).

STATUS OF LEGISLATIVE SESSIONS

The following state legislatures remain in session: California, Michigan, New Jersey, Ohio, and Pennsylvania. Nebraska is in special session.

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

LEGISLATIVE TRACKING

CALIFORNIA

[SCR 80](#) – Cancer

Introduced by Senator Richard Roth (D), SCR 80 designates September 2024 as Childhood Cancer Awareness Month to emphasize support for finding cures and less toxic treatments and highlight funding efforts to combat childhood cancer in the state. The bill was introduced in the Senate and referred to the Rules Committee.

DISTRICT OF COLUMBIA

[B25-926](#)

Introduced by Council Member Robert White (D), B25-926 prohibits medical malpractice insurers from refusing to issue or renew a malpractice policy, charging higher rates for a policy, terminating a policy, or imposing sanctions or fines, based solely on a practitioner's involvement in providing reproductive health care or gender-affirming care, even if the actions led to penalties in another state. The bill was introduced in the Council and referred to the Business and Economic Development Committee.

ILLINOIS

[HB 5239](#) – Criminalization **ENACTED**

Introduced by Representative Kelly Cassidy (D), HB 5239 prohibits the state from participating in or providing information for an interstate investigation seeking to impose civil or criminal liability against a person or entity who provided reproductive health care services lawful in the state; exempts any investigation if the conduct would be liable under state law. Governor Jay Pritzker (D) signed the bill into law June 21.

MASSACHUSETTS

[H 1011](#) – Insurance

Introduced by Representative William Galvin (D), H 1011 prohibits payment reductions for services billed on the same day, such as surgery; voids any clause in a provider agreement that allows for such a reduction in reimbursement will be considered void. The bill was introduced in the House and referred to the Financial Services Committee.

[S 699](#) – Insurance

Introduced by Senator Jacob Oliveira (D), S 699 prohibits payment reductions for services billed on the same day, such as surgery; voids any clause in a provider agreement that allows for such a reduction in reimbursement will be considered void. The bill was introduced in the Senate and referred to the Financial Services Committee.

NEW HAMPSHIRE

[HB 1222](#) – Scope of Practice **ENACTED**

Introduced by Representative David Rochefort (R), HB 1222 eliminates the requirement for a physician assistant to maintain a collaborative agreement with a physician. Governor Chris Sununu (R) signed the bill into law July 26.

[SB 371](#) – Licensure **ENACTED**

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. Governor Chris Sununu (R) signed the bill into law August 2.

NEW JERSEY

[A 3939](#) - **ENACTED**

Introduced by Assemblymember Sterley Stanley (D), A 3939 mandates access to periodic cancer screening examinations for professional firefighters not enrolled in the State Health Benefit Program (SHBP), but who are eligible for SHBP benefits due to their public employment; the screenings cover many cancers including colon, lung, bladder, oral, thyroid, skin and blood. Governor Phil Muphy (D) signed the bill into law June 3.

SOUTH CAROLINA

[HB 4619](#) – Criminalization **ENACTED**

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 in the House and referred to the Medical, Military, Public and Municipal Affairs Committee.