**State Legislative Update – November 15, 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.](https://www.quorum.us/spreadsheet/external/QGjJBFIfORzJNAtlNvfp/)

**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](https://www.facs.org/advocacy/state-legislation/chapter-state-advocacy-grant-program/).

**REGULATORY NEWS**

**CALIFORNIA**

The California Medical Boardheld a virtual meeting for public comment on [draft legislation](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Ff4x6tgdab.cc.rs6.net%2Ftn.jsp%3Ff%3D001qgm1rNQ1msODr__X3SlPKEgN1G6SSjWJPTqqBkTeSNNPxMkubJIc2uQN2oufAYNvxNBmr9pXikXL6Wb0nDhBnDzPLhePQG_eIRGfkK_q2zzvTUUXRPQakhdNHBRjO34jl0nykqkGs7vptjfH83DFgFS1-Vzpye5NBCXuPO3-ISiKucFaMI_bSFVGinKe6jg4DCe-UQ4_w5zEjzQd_DFS4mst7IXR9M4jBQepsneFt1hhZPYwi2lioQ%3D%3D%26c%3D7FjhaXDumrju1qZ5l_JBhdc2dSI1R2nyapgu2O36dcpgS8KCzNlXRg%3D%3D%26ch%3DJeXDsQhVvMEhhPjG0JofIAa4Dg_1J0EfZU8YaIlATsL8LaLmU1aEFA%3D%3D&data=05%7C02%7Cchendricks%40facs.org%7C8ea911157d1b40aab57808dcf9b54c7e%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638659804325080177%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=Rc7hvwB8Oz5VUu%2FWI9iHP4oPm3Ov5pzLE4X6QUHszOI%3D&reserved=0) to establish a new physician health and wellness program (PHWP) on October 24. The draft legislation provides program requirements for the PHWP, requirements for the third-party who will administer the program, confidentiality and mandatory reporting, and the process licensees will be recommended for program evaluation, treatment, and monitoring.

**OREGON**

The Oregon Medical Board issued proposed rules pertaining to office-based surgery, specifically adding the Accreditation Commission for Health Care, Inc. (ACHC) as a Board-recognized accreditation agency for facilities where Level II or Level III office-based surgeries are performed ([847-017-0010](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Ff4x6tgdab.cc.rs6.net%2Ftn.jsp%3Ff%3D001qgm1rNQ1msODr__X3SlPKEgN1G6SSjWJPTqqBkTeSNNPxMkubJIc2kFvYfD7QSBtJaLn5OD_Eu34WxuhY3mWJD9BBYEi27aU3_o-BrQ8ia-kLwpMGfIcOj5CGs14gDu2dJkiZMUrP0UBX59dW1l-3uSs9eD_o1JCzmYSsyld7eYSml9iLOCxOvu9E9ERNp6C9kQEepJ3G7pi6eT9d8276Q%3D%3D%26c%3D7FjhaXDumrju1qZ5l_JBhdc2dSI1R2nyapgu2O36dcpgS8KCzNlXRg%3D%3D%26ch%3DJeXDsQhVvMEhhPjG0JofIAa4Dg_1J0EfZU8YaIlATsL8LaLmU1aEFA%3D%3D&data=05%7C02%7Cchendricks%40facs.org%7C8ea911157d1b40aab57808dcf9b54c7e%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638659804324859710%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=RfmyUvvIc0GXT1btSa8tc86jmf52WO8Yf43uhSuR3SY%3D&reserved=0)), updated the requirements for certain lipoplasty procedures ([847-017-0003](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Ff4x6tgdab.cc.rs6.net%2Ftn.jsp%3Ff%3D001qgm1rNQ1msODr__X3SlPKEgN1G6SSjWJPTqqBkTeSNNPxMkubJIc2gAeB-dRsS0qADDDboBKYqY2r7kMN1hpkdfiFEaw6SpzczVh072wlhKxavzfkZS9s6ISfBhxMgCYATxZnNKbjf_271_iAi3e7d8GWdr1zRNWRbDS4U0UytH972tLDAg45FNfS14LrH35jQ55oIKxcP9IyZKYILuM9A%3D%3D%26c%3D7FjhaXDumrju1qZ5l_JBhdc2dSI1R2nyapgu2O36dcpgS8KCzNlXRg%3D%3D%26ch%3DJeXDsQhVvMEhhPjG0JofIAa4Dg_1J0EfZU8YaIlATsL8LaLmU1aEFA%3D%3D&data=05%7C02%7Cchendricks%40facs.org%7C8ea911157d1b40aab57808dcf9b54c7e%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638659804324889414%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=Ccm80HL9%2Bk4v8Zq7%2B9eFO2xfiZpVrqtMOSWZqU5jWX8%3D&reserved=0)), and empowered the Executive Director to issue [Orders for Evaluation](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Ff4x6tgdab.cc.rs6.net%2Ftn.jsp%3Ff%3D001qgm1rNQ1msODr__X3SlPKEgN1G6SSjWJPTqqBkTeSNNPxMkubJIc2kFvYfD7QSBtiKorit-x8_Xnj3ZwnlkuRS0lro4OKXLQGb2s2SxGE3IbM24uDmeCKeEWRPSTcF5dyoN4Y7T5QLAA1yJXrcP5OnS5ilA9p6qdWiGBo0ktbJKTuT4arLXeX6XcL1e6V1HD3WsLyA9JgJr76tbgAToV6VxZcd0aFzdA%26c%3D7FjhaXDumrju1qZ5l_JBhdc2dSI1R2nyapgu2O36dcpgS8KCzNlXRg%3D%3D%26ch%3DJeXDsQhVvMEhhPjG0JofIAa4Dg_1J0EfZU8YaIlATsL8LaLmU1aEFA%3D%3D&data=05%7C02%7Cchendricks%40facs.org%7C8ea911157d1b40aab57808dcf9b54c7e%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638659804324916858%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=ESrYC3h0JmE91a7USbCqS0eieVdBA7oVpg850RwvnNc%3D&reserved=0) regarding a licensee's physical or mental health or their medical knowledge or competence ([847-001-0024](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Ff4x6tgdab.cc.rs6.net%2Ftn.jsp%3Ff%3D001qgm1rNQ1msODr__X3SlPKEgN1G6SSjWJPTqqBkTeSNNPxMkubJIc2kFvYfD7QSBtpx91YRixK7WEqdD-yN-y9lNM1Pk9Q2etWD0mw3r7L23_u3VlovMx8C6bWhXcGjArKkGI_Izc-7XheqxxakwHdwWnjNf4xFJzyWUa85E11k-wOuwo2uODuEoSQ8S0q482wYnOTRN4Qk3VBjLf0JrqZA%3D%3D%26c%3D7FjhaXDumrju1qZ5l_JBhdc2dSI1R2nyapgu2O36dcpgS8KCzNlXRg%3D%3D%26ch%3DJeXDsQhVvMEhhPjG0JofIAa4Dg_1J0EfZU8YaIlATsL8LaLmU1aEFA%3D%3D&data=05%7C02%7Cchendricks%40facs.org%7C8ea911157d1b40aab57808dcf9b54c7e%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638659804324943268%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=6FvpG1neO8ilEvErr%2BFgJVRd7zwBxHRFwNRa54dnt2U%3D&reserved=0)). The Oregon Medical Board also issued permanent rules clarifying a licensee and health care facility must report a voluntary withdrawal from practice, resignation, or limitation of privileges while the licensee is under investigation within 30 calendar days ([847-010-0073](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Ff4x6tgdab.cc.rs6.net%2Ftn.jsp%3Ff%3D001qgm1rNQ1msODr__X3SlPKEgN1G6SSjWJPTqqBkTeSNNPxMkubJIc2kFvYfD7QSBteuiwVxNOXLZbSDfM7ZybnuDsBTQp8brJ_iHhTWSkiQO4odFfg7QzB-Hv65Oaciyw6nowKdxoAXCstUQ3PTHKgl-kjTxpkM4OIBjDJ3uj1M_IeewdDWWYXAwjvWSUklu9zD5wF2OA2SLgTZ6F7kA1cx2i4AW-OleBMnTryM1mhNOh5nB0w49zr7i-Tyu-ZhAPFOI1_j-mV70WmfXNKsiZJXBWCvdsHnjizriiM7iw3oPETp2fHp-rrU0zKe0t0ojg_MHptGEXW3lIhfFG_8_w_dLaVAVt_20UNA1Qt0lHU2_X7DLJ2jpcbK4ZzF2ATkqIiiF89hiWS3UxlnppY60QMht3pqY4lNLhJPnhRYLEOSf8ti026EQQadM2IbA1xdrgbr86y-wM5_hnWeoic5hws8R8ATGbuXTYDDd3DfIFV31jXpp5UNpc8B9EXEQOQaeR%26c%3D7FjhaXDumrju1qZ5l_JBhdc2dSI1R2nyapgu2O36dcpgS8KCzNlXRg%3D%3D%26ch%3DJeXDsQhVvMEhhPjG0JofIAa4Dg_1J0EfZU8YaIlATsL8LaLmU1aEFA%3D%3D&data=05%7C02%7Cchendricks%40facs.org%7C8ea911157d1b40aab57808dcf9b54c7e%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638659804324969131%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=%2BfrLjU1I00yXVhUiZc6YM63e0e46Q3G7cwXk9IwRBRw%3D&reserved=0); [847-010-0070](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Ff4x6tgdab.cc.rs6.net%2Ftn.jsp%3Ff%3D001qgm1rNQ1msODr__X3SlPKEgN1G6SSjWJPTqqBkTeSNNPxMkubJIc2kFvYfD7QSBteuiwVxNOXLZbSDfM7ZybnuDsBTQp8brJ_iHhTWSkiQO4odFfg7QzB-Hv65Oaciyw6nowKdxoAXCstUQ3PTHKgl-kjTxpkM4OIBjDJ3uj1M_IeewdDWWYXAwjvWSUklu9zD5wF2OA2SLgTZ6F7kA1cx2i4AW-OleBMnTryM1mhNOh5nB0w49zr7i-Tyu-ZhAPFOI1_j-mV70WmfXNKsiZJXBWCvdsHnjizriiM7iw3oPETp2fHp-rrU0zKe0t0ojg_MHptGEXW3lIhfFG_8_w_dLaVAVt_20UNA1Qt0lHU2_X7DLJ2jpcbK4ZzF2ATkqIiiF89hiWS3UxlnppY60QMht3pqY4lNLhJPnhRYLEOSf8ti026EQQadM2IbA1xdrgbr86y-wM5_hnWeoic5hws8R8ATGbuXTYDDd3DfIFV31jXpp5UNpc8B9EXEQOQaeR%26c%3D7FjhaXDumrju1qZ5l_JBhdc2dSI1R2nyapgu2O36dcpgS8KCzNlXRg%3D%3D%26ch%3DJeXDsQhVvMEhhPjG0JofIAa4Dg_1J0EfZU8YaIlATsL8LaLmU1aEFA%3D%3D&data=05%7C02%7Cchendricks%40facs.org%7C8ea911157d1b40aab57808dcf9b54c7e%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638659804324995705%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=DYJdshQlbyOL6WBLBE6oe%2FHEnTGSXKUUXo7E1K7V%2FIU%3D&reserved=0)), and changed the title “physician assistant” to “physician associate” throughout Oregon statutes ([847-005-0005](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Ff4x6tgdab.cc.rs6.net%2Ftn.jsp%3Ff%3D001qgm1rNQ1msODr__X3SlPKEgN1G6SSjWJPTqqBkTeSNNPxMkubJIc2kFvYfD7QSBtw9qSzZVYHKPIoMSW-f-BiwqsZsbDgOPRDDggKfiom6Bp_zoBbCAITFHhFmOmqBd737bsSKDSli7N_H2fjPNgBVU7zPrDVJDD8Yn32UWqSiPeufBerHepsWmMYmd0usRoArIpOly1mzaVnhuMM6OvbCQQqO1umY3c%26c%3D7FjhaXDumrju1qZ5l_JBhdc2dSI1R2nyapgu2O36dcpgS8KCzNlXRg%3D%3D%26ch%3DJeXDsQhVvMEhhPjG0JofIAa4Dg_1J0EfZU8YaIlATsL8LaLmU1aEFA%3D%3D&data=05%7C02%7Cchendricks%40facs.org%7C8ea911157d1b40aab57808dcf9b54c7e%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638659804325022411%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=3itEzPribH8XppotB3%2FRDIBv0IrU77mzJF3BbrJhObE%3D&reserved=0)) pursuant to [HB 4010](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Ff4x6tgdab.cc.rs6.net%2Ftn.jsp%3Ff%3D001qgm1rNQ1msODr__X3SlPKEgN1G6SSjWJPTqqBkTeSNNPxMkubJIc2kTcYxzKYhDIV1i4LHw6UKpIfnTf1Yr_ymwVrPeUWAH-YxJ6DgypueGQNfS6bLLHXagcQixFxtF1IkKuIdVVP_vcjNDQP6lXr6ORk1edrc5pn-CKqLLJKEKGHAnP1Ag2M3G-DjyJW5kSTriec8Yiqqo0j0hPKjPBUNB81vF4Ubxw%26c%3D7FjhaXDumrju1qZ5l_JBhdc2dSI1R2nyapgu2O36dcpgS8KCzNlXRg%3D%3D%26ch%3DJeXDsQhVvMEhhPjG0JofIAa4Dg_1J0EfZU8YaIlATsL8LaLmU1aEFA%3D%3D&data=05%7C02%7Cchendricks%40facs.org%7C8ea911157d1b40aab57808dcf9b54c7e%7Cc2b2034006274510868ebb38cba1848f%7C1%7C0%7C638659804325053051%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=eZ53DnoJE8QArsHD4%2BEp3zMEo%2FtGfT1GBkg4skBWQgg%3D&reserved=0) (2024).

**STATUS OF LEGISLATIVE SESSIONS**

The following state legislatures remain in session: Michigan, New Jersey, Ohio, and Pennsylvania. North Carolina sessions post June 27: December 11-13.

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**

[HS 1 for HB 302](https://legis.delaware.gov/BillDetail?LegislationId=141173) – Cancer ENACTED

Introduced by Representative Stephanie Bolden (D), HS 1 broadens the definition of “prostate screening” to include any medically necessary and clinically appropriate method for the detection and diagnosis of prostate cancer, including a digital rectal exam and prostate-specific antigen test, and associated laboratory work; clarifies the ages prostate screenings must be covered as follows: (1) age 50 for men at average risk; (2) age 45 for men at high risk, including African American men and men with a first-degree relative diagnosed with prostate cancer; and (3) age 40 for men at higher risk, including men with more than one first degree relative diagnosed with prostate cancer. Governor Jay Carney (D) signed the bill into law November 4.

**DISTRICT OF COLUMBIA**

[B25-0229](https://legiscan.com/DC/text/B25-0229/id/3024202) – Cancer ENACTED

Introduced by Councilmember Charles Allen (D), B25-0229 provides for no cost sharing prostate cancer screening. Mayor Muriel Bowser signed the bill into law November 1.

**MASSACHUSETTS**

[H 1087](https://malegislature.gov/Bills/193/H1087) – Prior Authorization

Introduced by Representative Kate Lipper-Garabedian (D), H 1087 mandates health insurers pay for services ordered by a healthcare professional if the services are covered under the insured's health plan; claims for medically necessary services cannot be denied if the provider follows the carrier's approved method for securing authorization; if a claim is denied due to administrative or technical error, providers can appeal and carriers must conduct a retrospective review within thirty days. The bill was introduced in the House and referred to the Financial Services Committee.

[H 4918](https://malegislature.gov/Bills/193/H4198) – Cancer ENACTED

Introduced by the House Ways and Means Committee, H 4918 mandates diagnostic examinations for breast cancer are covered on a basis not less favorable than screening mammographs: no cost sharing for diagnostic breast imaging services. Governor Maura Healey signed the bill into law November 14.

**MICHIGAN**

[HB 6085](https://www.legislature.mi.gov/documents/2023-2024/billintroduced/House/pdf/2024-HIB-6085.pdf) – Professional Liability

Introduced by Representative Carrie Rheingans (D), HB 6085 increases the cap for noneconomic damages from $280,000 to $1,000,000. The bill was introduced in the House and referred to the Judiciary Committee.

[SB 1088](https://www.legislature.mi.gov/documents/2023-2024/billintroduced/Senate/pdf/2024-SIB-1088.pdf) – Insurance

Introduced by Senator Rosemary Bayer (D), SB 1088 mandates health insurers pay claims within specified timeframes; interest penalties for late payments structured in a tiered system as 1.5% per month for the first 30 days, 2% per month for 31 to 90 days, and 4% per month for payments delayed beyond 90 days; reduces the timeframe to notify claimants of issues preventing a claim from being considered "clean" from 45 days to 30 days. The bill was introduced in the Senate and referred to the Finance, Insurance and Consumer Protection Committee.

[SB 1102](https://www.legislature.mi.gov/documents/2023-2024/billintroduced/Senate/pdf/2024-SIB-1102.pdf) – Certificate of Need

Introduced by Senator Sylvia Santana (D), SB 1102 allows imaging service providers to file a letter of intent instead of obtaining a certificate of need for positron emission tomography scanners, fixed or mobile magnetic resonance imagers, and fixed or mobile computerized tomography scanners. The bill was introduced in the Senate and referred to the Health Policy Committee.

[SB 1126](https://www.legislature.mi.gov/documents/2023-2024/billintroduced/Senate/pdf/2024-SIB-1126.pdf) – Prior Authorization

Introduced by Senator Darrin Camilleri (D), SB 1126 requires an online prior authorization process for health benefit plans by June 2023, non-urgent requests will be considered granted if not addressed within 9 days and urgent requests within 72 hours; insurers must annually report aggregated data. The bill was introduced in the Senate and referred to the Finance, Insurance, and Consumer Protection Committee.

**VIRGINIA**

[SB 739](https://lis.blob.core.windows.net/files/1010134.PDF) – Scope of Practice

Introduced by Senator Mamie Locke (D), SB 739 requires the Secretary of Health and Human Resources, Board of Medicine, Board of Nursing, and the Department of Health Professions to convene a workgroup to evaluate anesthesia services and make recommendations; workgroup includes the society of anesthesiologists, hospital and healthcare association, nurse anesthesiologists, and other relevant stakeholders. The bill was pre-filed in the Senate for introduction in January 2025.

[SB 740](https://track.govhawk.com/public/bills/1954639) – Licensure

Introduced by Senator Mamie Locke (D), SB 740 requires physicians to complete continuing medical education on unconscious bias and cultural competency as part of their license renewal. The bill was pre-filed in the Senate for introduction in January 2025.