

Keeping you informed from Washington, D.C.

June 7, 2024

FDA Committee Rejects MDMA Therapy for PTSD Due to Risk-Benefit Concerns

On Tuesday, an FDA advisory committee **found that** MDMA, commonly known as ecstasy, is not an effective treatment for post-traumatic stress disorder, voting that the combination of therapy and MDMA are not efficacious, and the treatment's risks outweigh its benefits. Among the primary concerns for the committee was the difficulty in recreating a truly double-blind study with psychedelics, possible misconduct by Lykos Therapeutics, which conducted the trial, and the psychotherapy aspect, which falls outside of the FDA's purview and **within** the wheelhouse of state medical boards.

Please **reach out to us** if we can assist you on policy or legislative issues or questions!



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Pending Legislation of Interest

Appropriations

The **Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2025 (H.R. 8580)**, introduced by **Rep. John Carter (R-TX)**, would, among many other things, block the VA from implementing and/or administering a portion of its September 2022 **interim final rule (IFR)** that removed the exclusion on abortion counseling for veterans and their beneficiaries, but leaves in place the section of the IFR that permits abortions in cases of rape, incest, and to save the mother's life, regardless of location, which was implemented post *Dobbs* (§ 255); it also prohibits any funding "for surgical procedures or hormone therapies for the purposes of gender affirming care" (§ 256).

Mental Health

The **Elementary and Secondary School Counseling Act (S. 4407/H.R. 8524)**, introduced by **Sen. Jeff Merkley (D-OR)** and **Rep. Katherine Clark (D-MA)**, would establish a grant program to increase access to school-based mental health providers at "high-need" public elementary schools and secondary schools, defined as a school in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more (**20 U.S.C. 6631(b)**), according to a formula

detailed in the statute, and states must contribute 20 percent of the total contributed by the Federal government. The grants would be dispersed to local education agencies, which work hand-in-glove with partnering schools districts, and used to recruit and retain school-based mental health services providers or contract with community mental health centers to effectively staff high-needs schools, by meeting the maximum ratios of 250 students per school counselor, 500 students per school psychologist, and 250 students per school social worker.

Reproductive Health

The [Right to Contraception Act \(S. 4381/H.R. 4121\)](#), introduced by **Sen. Ed Markey (D-MA)**, establishes a statutory right to obtain and use contraceptives, and prohibits the Federal or state governments from promulgating or enforcing any law or rule that bans or restricts the provision of contraceptives or contraceptive-related information by health care providers and facilities. The bill also allows for the Attorney General, a health care provider, or an adversely affected individual to commence a civil action against any State that violates, or against any government official that implements or enforces such a restriction.

Requests for Information

The **Department of Veterans Affairs** issued a [notice](#) requesting information to assist in developing a national standard of practice for Medical Technologists, with comments due by **July 23, 2024**. Previously, the VA issued RFIs regarding developing national standards for [Nuclear Medicine Technologists](#) (comments due by July 15, 2024), and [Marriage and Family Therapists](#) (comments due by June 25, 2024).

Additional information on the VA National Standards of Practice is [available here](#).

Federal Contact

The FSMB's federal legislative staff will continue to track and monitor legislation and regulations of interest to state medical boards. If there is specific legislation you would like us to assist with, please contact **Kandis McClure**, Director, Federal Advocacy and Policy, at atkmccclure@fsmb.org, or by phone at (202) 463-4003.



Regulatory News

The **New Mexico Board of Medicine** issued a [final rule](#) that adjusts their prerequisites for licensure by examination, removing the requirement that "applicants who are not United States citizens must provide proof that they are in compliance with the immigration laws of the United States," and adjusts their prerequisites for expedited licensure, removing the aforementioned requirement regarding non-U.S. citizens, plus the possibility of a Board interview or competency exams, and requirements of three years' of continuous practice prior to application. The new rules require the Board to make a licensing decision and issue an expedited license within 30 days, which can be valid for no more than 12 months post-issuance.

Legislation Signed into Law

Health Professionals' Scope of Practice

[Connecticut SB 133](#) - Enacted May 28, establishes a new licensure category of "advanced pharmacy technicians" with enhanced qualifications, allowing them to undertake specific duties under pharmacist supervision, including dispensing medications in compliance packaging. Additionally, it sets up a registration process for clerks in pharmacies who primarily handle non-medication tasks. The legislation tightens regulations on medication returns, prohibiting the re-entry of previously dispensed medications into general stock. Furthermore, the bill proposes measures to address potential staffing shortages by allowing individuals enrolled in accredited pharmacy technician programs to work under certain conditions. The Dept. of Consumer Protection is tasked with pharmacy technician regulations, and pharmacists would be empowered to order and administer select vaccines, potentially improving vaccination accessibility.

Tennessee HB 2318 and SB 2136 - Enacted May 28, revises **Tenn. Code § 63-19-106**, regarding PA scope of practice, particularly detailing what services and procedures that can be rendered by PAs according to a protocol or collaborative agreement with a physician, including minor surgeries, office-based surgeries, prescribing, ordering, and dispensing medical devices, drugs, and controlled substances (with strict limitations on the latter). PAs would also be allowed to complete and file certifications of death.

Licensure Compacts

Alabama SB 244 - Enacted May 9, this proposed IMLC criminal background check fix amends **Ala. Code § 34-24-50.1** to define "expedited license" as a license to practice medicine, a certificate of qualification, a certification of eligibility for a license to practice medicine, or a certification of eligibility for a certificate of qualification that is issued in an accelerated manner.

Reproductive Health

California SB 233 - Enacted May 23, authorizes physicians licensed in Arizona that meet specified requirements - including being in good standing and authorized to perform abortions and have performed at least one within the last two years - to practice medicine in California through a registration program under either the MBC or the OMBC, through November 30, 2024, *solely* to provide abortions and abortion-related care to Arizona residents traveling to California for reproductive health care. The bill also contains privacy protections for those physicians; boards cannot publicly post information about physicians registered under the measure, but must disclose name, registration and Arizona license number upon request.

Louisiana SB 276 - Enacted May 28, creates the crime of "coerced criminal abortion" by means of fraud, defined as knowingly and intentionally engaging in the use, or attempted use of an abortion-inducing drug on a pregnant woman, without her knowledge or consent; adds attempted abortion to certain criminal abortion statutes; and designates abortion by means of abortion-inducing drugs as a "racketeering activity." The bill also enhances the criminal penalty if the fetus is more than three months of gestational age. Additionally, it adds mifepristone and misoprostol to the list of Schedule IV controlled substances, and makes their possession a crime punishable of up to 10 years in prison with a notable exception for "**pregnant woman** to possess mifepristone or misoprostol for their own consumption."

Tennessee HB 2310 and SB 2782 - Enacted May 28 and effective July 1 pending legal challenges, prohibits an individual from intentionally recruiting, harboring, or transporting an unemancipated minor for the purpose of receiving a medical procedure prohibited in Tennessee, such as an abortion or gender-affirming care. The ban does not apply to the minor's parents or guardians, an adult with permission from the minor's parent or guardian, or ambulance drivers, emergency medical services personnel, and other common transportation services. Violators are subject to a Class A misdemeanor, which can incur a one year prison sentence.

Pending Legislation of Interest

Mental Health

Massachusetts S 2785 - Makes adjustments to state law regarding "emergency restraint and hospitalization of persons posing risk of serious harm by reason of mental illness", provides definitions for key terms such as "immediate, substantial and irreversible deterioration" and "serious mental illness" with regards to situations in which individuals suffering mental health episodes are not capable of giving informed consent, and affords healthcare professionals and facilities liability from damages so long as they have provided services "in good faith" to individuals suffering acute mental health crises.

Pain Management/Prescribing Practices

Illinois SB 3741 - Prohibits insurers from imposing prior authorization requirements on dosage limitations.

Massachusetts H 4656 and S 2786 - Requires practitioners, prior to prescribing an opioid, to inform patients (or their parent/guardian if a minor) about drug quantity and the ability to fill their prescription in a smaller quantity, the risks associated with opioid drugs, available non-opioid alternatives; with exceptions from the rules for acute pain in a hospital or surgical care setting. The bill also requires the Dept. of Health, in collaboration with experts and stakeholders, to publish and maintain educational information regarding the use of non-opioid alternatives for the treatment of acute and chronic pain.

Physician Well-being

New York A 10452 and S 9619 - Adds physicians, PAs, other primary care practitioners, nursing assistants, emergency medical workers, and "agent[s] or volunteer[s] of a hospital," among others, to the list of professions with increased penalties for perpetrating physical violence against during the course of their job.

Reproductive Health

Louisiana HB 833 - Protects doctors and clinics from criminal prosecution if embryos, defined as

biological human beings, are lost during IVF treatment, but bans the transfer of embryos created through IVF to an out-of-state storage facility “for the purpose of destruction.”

Legislation Affecting Board Authority

The FSMB continues to closely monitor legislative areas that could have significant implications on the practice and regulation of medicine: off-label treatment, reproductive health, and gender-affirming care. In addition to legislation highlighted in FSMB Advocacy Network News, all tracked off-label treatment legislation can be found [here](#), all tracked reproductive health legislation can be found [here](#), and all tracked gender-affirming care legislation can be found [here](#).

State Contact

The FSMB's state legislative staff will continue to track and monitor legislation and regulations of interest to state medical boards. If there is specific legislation you would like us to assist with, please contact **John Bremer**, Director, State Legislation and Policy, atjbremmer@fsmb.org, or by phone at (202) 463-4021.



Resources for Regulators

- [Directory of Physician Assessment and Remedial Education Programs](#)
- [FSMB Opioids and Pain Management webpage](#)



Meetings & Events

April 24-26, 2025: FSMB 113th Annual Meeting, Seattle, Washington

September 3-7, 2025: [16th International Conference on Medical Regulation](#), Dublin, Ireland

[More Meetings & Events](#)

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To help medical boards keep up with current legislation around the country, FSMB tracks relevant legislation and regulations in state houses across the United States, as well as the U.S. Congress.

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