



Advocacy News

Keeping you informed from Washington, D.C.

September 5, 2024

Pennsylvania begins issuing licenses through IMLC

Last week, **Pennsylvania announced** out-of-state physicians who are licensed in a **Interstate Medical Licensure Compact** member state and have a corresponding “letter of qualification” may designate Pennsylvania as a state where they want to practice, and apply for expedited licensure from the Pennsylvania medical or osteopathic board. Since implementing the IMLC, the medical board has issued 80 licenses to physicians from IMLC member states.

Pennsylvania is currently working to fully implement the IMLC and become a State of Principal Licensure (SPL). In July, the state enacted HB 2200, which allows applicants for licensure to submit fingerprints to the Pennsylvania State Police, to be checked against state and national criminal records to verify identity and ascertain criminal history, who then forward the information back to the Department of State.

Our team remains available to supporting your policy questions or needs. [Reach out to us here.](#)



Lisa Robin

Chief Advocacy Officer

Federation of State Medical Boards

(202) 463-4000 | lrobin@fsmb.org



Pending Legislation of Interest

Health Insurance

The **Primary and Behavioral Health Care Access Act of 2024 (H.R. 9133)** introduced by **Rep. Lauren Underwood (D-IL)**, would amend the *Employee Retirement Income Security Act* (ERISA), title XXVII of the *Public Health Service Act*, and the Internal Revenue Code to require health insurers offering group or individual coverage to provide for, at a minimum, *three* primary care visits and *three* behavioral health care visits without any cost-sharing requirement for the beneficiary. The bill also provides key definitions, prohibits insurers from instituting restrictive treatment limitations for such visits, and maintains the same reimbursement rates as would apply to any other primary or behavioral health care visits.

The **Accelerating the Development of Advanced Psychology Trainees (ADAPT) Act (H.R. 9138)** introduced by **Rep. Troy Balderson (R-OH)**, would expand psychological mental and behavioral health services to Medicare beneficiaries by allowing the reimbursement of psychological services rendered by a “advanced psychology trainee[s]” under the general supervision of a clinical

psychologist... and billed by the supervising psychologist.” The bill provides key definitions, including defining advanced psychology trainees as doctoral interns within their American Psychological Association (APA)-accredited supervised experiential training program. Lastly, the bill would require the HHS Secretary to disseminate guidance, such as waivers, to states to cover services rendered by advanced psychology trainees to Medicaid and CHIP beneficiaries, as well.

Substance Use Disorder Treatment

The [Residential Recovery for Seniors Act \(S. 4860\)](#) introduced by **Sen. Bob Casey (D-PA)**, would reform Medicare Part A to cover Level 3 non-hospital-based residential substance use disorder (SUD) treatment for beneficiaries. Currently, Medicare only covers the less intensive Levels 1 (outpatient services) and 2 (intensive outpatient services) SUD treatment and the highest intensity care, Level 4 (medically-managed intensive inpatient services).

Telehealth

The [Telehealth Access for Tribal Communities Act of 2024 \(H.R. 9271\)](#) introduced by **Rep. Teresa Fernandez (D-NM)**, make permanent the pandemic-era telehealth flexibility that allows Medicare recipients to use audio-only telemedicine, which is scheduled to expire at the end of 2024, for Indian Health Service (IHS) programs and urban Indian organizations.

Regulatory News

On August 22, the **FDA approved and authorized** an updated messenger RNA Covid vaccine for individuals 12 and older (and an emergency use authorization for ages 6 months through 11 years) that targets a specific strain (KP.2) of the virus as the fall respiratory illness season approaches.

The **DEA scheduled** a hearing for December 2 to consider differing expert opinions on the **Justice Department’s** proposal to reschedule marijuana Federally, from Schedule I to Schedule III.

The **FDA released draft guidance** recommending more diverse patient cohorts in clinical trials, specifically outlining what should be included in a sponsor’s Diversity Action Plan, which are mandated by Congress’ 2022 *Diverse and Equitable Participation in Clinical Trials (DEPICT) Act* Factors to consider when setting enrollment goals include demographic characteristics, clinical characteristics, and other characteristics such as access to standard preventive and diagnostic care. **Comments are due by September 26, 2024.**

Judicial News

On September 3, the **U.S. Supreme Court rejected Oklahoma’s** bid to claw back millions in federal family planning grants that the Biden administration had rescinded over the state’s refusal to provide information about abortion to patients who request it. Title X clinics provide contraception, STD testing, prenatal care, and other services to millions of low-income people. Under rules finalized **in 2021**, clinics that get Title X funding are required to offer non-directive counseling for pregnant patients about all their options, including abortion; even if the state has banned the procedure, funds may not be used for abortion services.

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 **Lisa Robin**, Chief Advocacy Officer, at lrobin@fsmb.org, or by phone at (202) 463-4006.



Regulatory News

The **Nevada Board of Medical Examiners** adopted **regulations** regarding a myriad of issues, including clarifying that licenses are deemed in good standing so long as they are “not expired, suspended, revoked, restricted, limited, conditioned, on probation or otherwise on a status that in any manner restricts the activity of the holder.” The regulations also allow the Board to deny a license

application if the Board determines that the “applicant is not qualified or is not of good character or reputation; submitted a false credential; or the application [was] not made in proper form.” They also require two hours of CME on evidence-based suicide prevention and awareness within the first two years of licensure, and every four years thereafter. Finally, the regulations require physicians and PAs to obtain and document the informed consent of a patient or their representative before providing any procedure or invasive treatment, except in an emergency situation.

The **Wisconsin Naturopathic Medicine Examining Board** adopted [regulations](#) addressing several key issues. These include providing definitions, establishing standards of conduct, and defining scope of practice. For instance, the regulations cover rules on obtaining informed consent and outline acts that fall outside the scope of naturopathic medicine ([Wisc. Stat. § 466.01\(6\)\(c\)](#)) Additionally, they set forth guidelines for licensee advertisement, requiring that licensees clearly state the type of license they hold and any applicable limitations. The regulations also address licensure requirements, license renewal procedures, and continuing education requirements, among other foundational regulations to the practice of naturopaths.

Judicial News

On August 23, the **Nebraska Secretary of State** certified two ballot measures for November, the first, known as “[Protect the Right to Abortion](#),” would amend the state's constitution to say that “all persons shall have a fundamental right to abortion until fetal viability, or when needed to protect the life or health of the pregnant patient.” The second, “[Protect Women and Children](#),” bars abortions in the second and third trimesters, except in the case of a medical emergency or when the pregnancy is a result of sexual assault or incest. Currently, state law bans abortion after 12 weeks of pregnancy, with exceptions for rape, incest, and saving the mother's life.

On August 23, an **Albany County (NY) Supreme Court Judge** [issued an order](#) directing **New York State's Board of Elections** to revise the description of the state's abortion rights ballot measure to ensure it complies with state law that requires ballot measures to be written in clear, plain language. The revisions remove “anti-discrimination provisions” in favor of “protections against unequal treatment,” and removed the words “abortion” and “LGBT.”

On August 26, the **11th U.S. Circuit Court of Appeals** [ruled](#) that **Florida** could enforce its ban on gender-affirming care for minors, blocking a previous lower court order. Florida's [SB 254 \(2023\)](#) prohibits transgender minors from being prescribed puberty blockers and hormonal treatments, even with their parents' permission, and also requires transgender adults to receive treatment from a doctor and not from a registered nurse or other qualified medical practitioner.

Legislation Signed into Law

Board Structure and Function

[New Hampshire HB 518](#) – Enacted August 27, removes “moral turpitude” as a reason for disciplinary action against licensees, abolishes the state's [Medical Review Subcommittee \(MRSC\)](#), which investigates licensee complaints, removes the New Hampshire Medical Society's responsibility to annually audit CME credits, and notably raises the standard of proof bar for licensee misconduct from “preponderance of evidence” to “clear and convincing,” among other aspects.

Pending Legislation of Interest

Diversity, Equity, Inclusion

[Pennsylvania HB 2546](#) - Prohibits institutions of higher education that receive state funding (including medical schools) from requiring “ideological oaths or statements.” The legislation would also ban these institutions from having diversity, equity and inclusion (DEI) offices and DEI-focused employees, and would revoke tenure from any university employees associated with DEI efforts.

Good Samaritan Laws

[New York A 10695](#) and [S 2043](#) - Authorizes certain individuals, such as first responders, firefighters, camp counselors, or school employees that have completed a required training to administer epinephrine via an auto-injector device.

Reproductive Health

[New York A 10687](#) and [S 8786](#) - Requires health insurers to cover “all FDA-approved menstrual health procedures and contraceptive drugs, devices, and other products, including all [those] over-the-counter,” as well as optional anesthesia for certain menstrual health procedures.

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 COVID-19 adjacent 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, at atjbremer@fsmb.org, or by phone at (202) 463-4021.



Resources for Regulators

- [Resources for FSMB Members](#)
- [Pathway to Medical Licensure in the U.S.](#)



Meetings & Events

September 18-19, 2024: [Coalition for Physician Enhancement Annual Conference](#), Baltimore, Maryland

September 20, 2024: [IAMRA 2024 Symposium: 'AI and Medical Regulation'](#), Baltimore, Maryland

September 25, 2024: [New State Medical Board Member Training: Session 2](#), 10 a.m.-noon ET

October 24-26, 2024: [FSMB Board of Directors Meeting](#), Dallas, Texas

November 7-8, 2024: [FSMB Board Attorneys Workshop](#), Reno, Nevada

November 20-22, 2024: [Administrators in Medicine Fall Workshop & CMBE Institute](#), Phoenix, Arizona

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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Texas Office: 400 Fuller Wiser Road, Euless, TX 76039
Telephone: (817) 868-4000

Washington, D.C. Office: 1775 Eye St. NW Suite 410, Washington, D.C. 20006
Telephone: (202) 463-4000



Federation of State Medical Boards | 400 Fuller Wiser Road | Euless, TX 76039 US

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