

NJ State Society of Anesthesiologists Board Meeting
September 7, 2022

There are a few weeks left until the Legislature reconvenes the 2022-2023 legislative session. We want to provide a brief overview of what to expect in the fall of 2022. New Jersey operates on a two-year legislative cycle and all legislation introduced in the first year of the cycle will be continued into the second year. All legislation that we are currently tracking will still be in play through 2023. The congressional midterm elections have no impact on the state's legislative business but will be a strong indicator of the political climate ahead of the 2023 statewide elections. In 2021, Democrats lost 7 seats to Republicans in the Legislature and Republicans are hoping to keep that momentum going over the next few years with the statewide elections in 2023 and the 2025 gubernatorial election. Democrats in the NJ Legislature have aimed to temper some of the progressive legislative efforts after the results of the 2021 election, but that is running counterintuitive with Governor Murphy's progressive national agenda and his speculated run for higher office in the future.

There has not been any legislative activity over the two-month hiatus, but we wanted to give a brief synopsis of legislation we are monitoring heading into the fall.

- APN Independent Practice
 - **S1522/A2286:** Eliminates certain practice restrictions for APNs.
 - **Status:** Introduced and referred to Assembly/Senate Health Committees
 - **Description:** This legislation would expand the scope of practice for APNs by removing joint protocol and physician supervision requirements for APNs with 24 months or 2400 hours of practice. The legislation also changes the definition of collaboration to allow APNs with the required experience to collaborate with another APN, rather than current law requiring physician collaboration. Furthermore, the legislation would eliminate restrictions on prescribing and administering anesthesia for APNs.

- Nurse Residency Programs
 - **S2825/A4325:** Establishes certain requirements and initiatives related to nurses; transfers oversight of certified nurse aides from DOH to Board of Nursing; appropriates \$26.7 million.
 - **Status:** On 2nd reading in the Senate and introduced and referred to Assembly Regulated Professions Committee
 - **Description:** This is an omnibus legislative initiative with measures we would be neutral on, however, there is a section of this legislation that would create nurse residency programs that would misrepresent to the public that an individual is a physician in training and is part of an ACGME accredited program. Appropriating the term "resident" or "residency" for post-graduate and advanced training of nurses will be extremely confusing for patients and we believe it could conflict with the Truth in Advertising law that we helped enact in 2020.

- Transparency in Prior Authorization
 - **A1255/S1794** – "Ensuring Transparency in Prior Authorization Act".

- **Status:** Introduced and referred to Senate Commerce Committee & on 2nd reading in the Assembly.
- **Description:** This legislation would make changes to the current prior authorization process to increase transparency and create a fairer process for patients. Some of the changes proposed in the introduced legislation include requiring insurance companies to state on their websites their prior authorization requirements for procedures, require insurance companies to make decisions more quickly, within 48 hours, rather than within weeks as the current law allows, requires extended time for a patient to determine if they want to move forward with care before the prior authorization expires, and allows a provider to deem if step therapy protocol is unnecessary.
- **S1177/A4032** – Revises out-of-network arbitration process.
 - **Status:** Enacted into law
 - **Prime Sponsor:** Senator Joe Lagana & Assembly Speaker Coughlin
 - **Description:** This law will require arbitrators to provide detailed written analysis of their final decision and what information contributed to that decision, rather than current practice of just including limited detailed. The law will also extend the period of time to initiate arbitration. The changes will go into effect 90 days after enactment.