11 scope-creep bills were introduced this year—in one state

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Physicians in Mississippi have become accustomed to repeated efforts to inappropriately expand scope of practice for nonphysician providers. But even veterans of previous legislative tussles in the Magnolia State were taken aback by the scale of the aggressive attempts at the statehouse during the 2023 session, as 11 separate scope-creep bills were introduced.

“I don’t know if 11 is a record, but it sure has got to be. I mean, that was a lot of scope of practice bills,” said Katherine Gantz Pannel, DO, immediate past chair of the Mississippi State Medical Association (MSMA) Board of Trustees.

“Every year, we’re used to seeing the standard scope-of-practice bills with nurse practitioners, which either give them independence immediately as the bill passes or requires them to have some sort of training hours before they get independence,” noted Dr. Pannel, a psychiatrist in Oxford, Mississippi.

She and her physician colleagues also have seen bills to let certified registered nurse anesthetists practice independently, along with legislation allowing podiatrists to perform surgeries above the ankle.

“But this year,” she noted, MSMA for the first time saw and fought a new type of scope creep. “And that was the pharmacy test-and-treat bill, which essentially would give pharmacists the ability to test for certain medical issues and treat it if the test was positive.”

Sixteen other states also saw similar attempts to let pharmacists practice medicine behind the counter. At the 2023 AMA Annual Meeting this month, the House of Delegates directed the AMA to collaborate with relevant stakeholders, including state and specialty societies, to oppose legislation or regulation allowing pharmacists to test, diagnose and treat medical conditions.

None of the 11 scope-creep bills in Mississippi secured passage, and in an episode of “AMA Update,” Dr. Pannel detailed how Mississippi physicians have upgraded their approach to successfully engage lawmakers to protect patients’ access to safe, high-quality, physician-led care.
Fighting scope creep is a critical component of the AMA Recovery Plan for America’s Physicians.

Patients deserve care led by physicians—the most highly educated, trained and skilled health professionals. The AMA vigorously defends the practice of medicine against scope-of-practice expansions that threaten patient safety.

**Going on offense**

Amid reports showing that Mississippi has a long way to go achieving optimal health care for its residents, doctors there have reoriented their approach to engaging with elected officials in the state capital of Jackson.

Physicians “have gone from a position of defense to a commanding offense,” Dr. Pannel said. “Lawmakers expressed to MSMA that they were tired of hearing from physicians as soon as scope bills dropped, but they wanted to hear them throughout the year. And that’s exactly what MSMA did.”

With funding help from the AMA Scope of Practice Partnership, “we were able to do billboards,” Dr. Pannel noted. “We gave lawmakers educational material that specified the differences between physician and midlevel training. We were able to do videos that we disseminated to lawmakers. And MSMA is very present in every committee meeting that has anything to do with scope of practice.”

“The partnership with the AMA has been critical to our scope successes,” she added, enabling “us to do our own studies to show how the public in Mississippi felt about midlevel care versus physician-led care, which was a huge positive for physician-led care. And we were able to show to lawmakers that Mississippians want physician-led care.”

In addition, Dr. Pannel and her Mississippi physician colleagues used the AMA Health Workforce Mapper “to show lawmakers that the main argument that nurse practitioners want to go rural, they want to help those rural populations, just isn’t the case.” They also highlighted compelling cost-comparison data from Mississippi’s own Hattiesburg Clinic, a member of the AMA Health System Program.

Visit AMA Advocacy in Action to find out what’s at stake in fighting scope creep and other advocacy priorities the AMA is actively working on.

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