



Dec. 15, 2023: State Advocacy Update



Massachusetts launches statewide effort to remove stigmatizing questions from credentialing processes

In a nationwide first, every hospital, health system and local health plan in Massachusetts has committed to eliminating potentially stigmatizing or invasive questions from their credentialing processes. The Massachusetts Health & Hospital Association's (MHHA) Board of Trustees unanimously approved this effort to reform the credentialing process, and the association is working with individual members to bring their policies up to best practice.

The initiative also is championed in partnership with the Massachusetts Medical Society (MMS), local health plans (which have their own credentialing forms that clinicians must compete), and leading national health care organizations, including the AMA and the Dr. Lorna Breen Heroes' Foundation, who worked closely with the MHHA and MMS to identify areas for progress.

"The American Medical Association commends the Massachusetts Health & Hospital Association, Massachusetts Medical Society and all those in the commonwealth who have made the commitment to support physicians' health and wellness by removing stigmatizing questions about past treatment or diagnosis of a mental illness or substance use disorder on credentialing applications and peer review forms," said AMA President Jesse M. Ehrenfeld, MD, MPH. "We urge all other state hospital associations to make the same commitment and join a growing number of leading state and national organizations that recognize the urgent need to make these changes."

New report details key telehealth policy trends across the states

The AMA's Advocacy Resource Center—in partnership with Manatt Health—recently published a 2023 Year in Review (PDF) summarizing key telehealth policy trends across the states. The AMA and Manatt also hosted a webinar highlighting findings from the report. While states considered a variety of bills related to telehealth in 2023, four themes emerged as areas of interest:

- Coverage and payment parity
- Telehealth licensure



- Audio-only telehealth
- Medication abortion via telehealth

The 2023 Year in Review provides a snapshot of the current state of these policy trends, including an overview of each policy as well as state legislative activity exemplifying these trends.

For example, while more than 40 states have coverage parity laws in place, states continue to debate over how to pay for services provided via telehealth. The report highlights that legislation related to payment of telehealth was introduced in 15 states, with three states enacting bills this year: Colorado, Hawaii and Nevada.

As noted in the report, one of the hottest telehealth topics among states has been around licensure as states continue to consider various avenues to streamline the state licensure process for physicians providing care via telehealth to patients across state lines. This year more than 20 states introduced legislation related to licensure and telehealth with three key themes emerging:

1. Bills providing licensure exceptions for out-of-state physicians
2. Bills that would create a temporary licensure pathway or registration system for out-of-state physicians providing telehealth in a state
3. Bills to adopt the Interstate Medical Licensure Compact

At least nine bills were enacted this year related to licensure and telehealth. For example, Oregon passed a narrow licensure exception allowing out-of-state physicians who are not licensed in Oregon to provide temporary or intermittent follow-up care to existing patients via telehealth. Louisiana passed legislation directing all relevant professional and occupational boards to create a telehealth license or registration process for physicians and other health care providers who are fully licensed and in good standing in another state. Finally, two states, Hawaii and Missouri, passed legislation to join the Interstate Medical Licensure Compact. These trends and other licensure flexibilities for telehealth are discussed in the end of year report and in more detail in a companion AMA issue brief (PDF) on the topic.

During the pandemic, audio-only telehealth emerged as vitally important to maintain equitable access to telehealth, particularly for those without reliable broadband internet, as well as individuals who are otherwise not able to participate in a two-way video visit. The 2023 Year in Review notes that expanding the definition of telehealth to include audio-only and providing coverage or payment for audio-only telehealth continue to be areas of interest for state lawmakers. This year 14 states introduced legislation related to audio-only. While there were no consistent trends, at least one state, New York, passed a bill to expand the definition of telehealth to include audio-only, while other states (Hawaii, Maryland and Utah) focused on coverage or reimbursement of audio-only telehealth.

Finally, the 2023 Year in Review addresses state laws impacting patient access to medication abortion via telehealth. Recognizing that state telehealth laws and general abortion laws impact these policies,



at least seven states introduced legislation specifically referencing medication abortion via telehealth. The primary theme of these bills, as introduced, was to either explicitly allow or explicitly prohibit physicians and other health care professionals from prescribing abortion-inducing drugs via telehealth. Florida was the only state to enact legislation this year. As enacted, the bill prohibits the use of telehealth to perform an abortion and mandates that any medications intended for use in an abortion be dispensed in-person.

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