



# 2021 State Legislative Preview Survey Results

January 2021

# AMA Advocacy Resource Center (ARC)

At the state level, the AMA shapes the policy of influential national policymaking organizations, partners with outside experts and stakeholder groups and influences the enactment and/or defeat of state legislation and regulations.

The American Medical Association Advocacy Resource Center (ARC) is a tireless advocate for physicians and their patients. We roll up our sleeves—providing cutting edge strategies, expert counseling on best practices and turn-key resources and tools—to help state lawmakers respond to the rapidly evolving health care system. In coordination with state and national medical specialty societies, our work has resulted in the enactment and/or defeat of hundreds of proposed state laws and regulations.

For contact information, please view the [ARC staff directory](#).

# Background and Objectives

The AMA Advocacy Resource Center conducts an annual state legislative and regulatory priorities survey among state and national medical specialty societies.

## Objectives:

1. To identify trends for the upcoming 2021 state legislative sessions.
2. To get a clear picture of the top issues facing organized medicine at the state level.

The survey results guide how the AMA allocates its state advocacy resources in the coming year and fosters alignment of priorities between the AMA and the state and national medical specialty societies.

# Overview of Study Design

**Methodology:** An online survey was distributed to representatives of state and national medical specialty associations from November 5, 2020 - December 2, 2020 using the Qualtrics survey platform.

**Sample Size:** The 75 respondents are broken out by Association as follows:

Total Association Respondents	State Medical Association Respondents	National Medical Specialty Association Respondents
N=75	N=51	N=23

# Notes on Data Presented in Report

Please note the following:

- Data is reported for total respondents, state medical association respondents, and national medical specialty association respondents separately when the total responses are equal to or greater than 30.
- When the total responses are less than 30, results are reported only for total respondents.
- For questions on the specific legislative issues, data is presented in counts, not percentages.

The background of the slide features a photograph of the United States Capitol building in Washington, D.C. The iconic dome is visible in the distance, framed by the classical columns of a building in the foreground. The image has a soft, slightly blurred quality, with a color palette dominated by blues, greys, and muted greens.

# Summary of Results

# 2021 Top Legislative and Regulatory Priorities



For the total survey respondents, the top legislative priorities in 2021 are expected to be **COVID-19, Scope of Practice, Digital Health, Private Health Insurance Practices, Public Health, Medicaid, and Opioid and Drug Overdose Epidemic issues.**



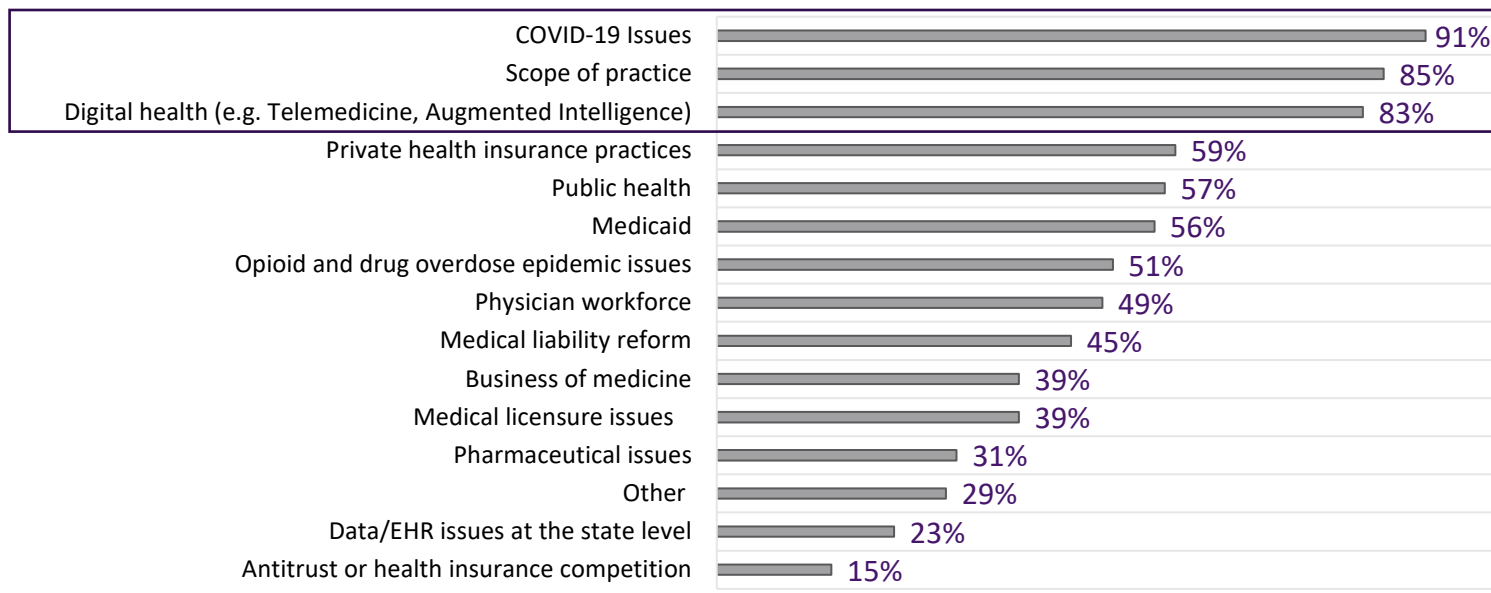
Respondents from state associations expect to prioritize **COVID-19, Scope of Practice, Digital Health, Public Health, Medicaid, Opioid and Drug Overdose Epidemic Issues, and Private Health Insurance Practices.**



Respondents from specialty societies expect to prioritize **Digital Health, COVID-19, Scope of Practice, and Private Health Insurance Practices .**

The top legislative priorities in 2021 for the total associations who participated in the survey are: COVID-19, Scope of Practice, Digital Health, Private Health Insurance Practices, Public Health, Medicaid, and Opioid and Drug Overdose Epidemic Issues.

TOP LEGISLATIVE AND REGULATORY PRIORITIES  
(n=75)



Q9 - Which of the following legislative or regulatory issues does your association expect to work on in 2021? Select all that apply.



## Top Priorities by Total Respondents, State Association Respondents and Specialty Association Respondents

LEGISLATIVE PRIORITIES	Total (n=75)	State Association (n=51)	Specialty Association (n=23)
COVID-19 Issues	90.67%	96.08%	78.26%
Scope of practice	85.33%	90.20%	73.91%
Digital health (e.g. Telemedicine, Augmented Intelligence)	82.67%	82.35%	82.61%
Private health insurance practices	58.67%	56.86%	65.22%
Public health	57.33%	60.78%	47.83%
Medicaid	56.00%	60.78%	43.48%
Opioid and drug overdose epidemic issues	50.67%	58.82%	30.43%
Physician workforce	49.33%	49.02%	52.17%
Medical liability reform	45.33%	47.06%	39.13%
Business of medicine	38.67%	33.33%	52.17%
Medical licensure issues	38.67%	39.22%	34.78%
Pharmaceutical issues	30.67%	33.33%	26.09%
Other (please specify)	29.33%	21.57%	43.48%
Data/EHR issues at the state level	22.67%	27.45%	13.04%
Antitrust or health insurance competition	14.67%	15.69%	13.04%

Q9 - Which of the following legislative or regulatory issues does your association expect to work on in 2021? Select all that apply.

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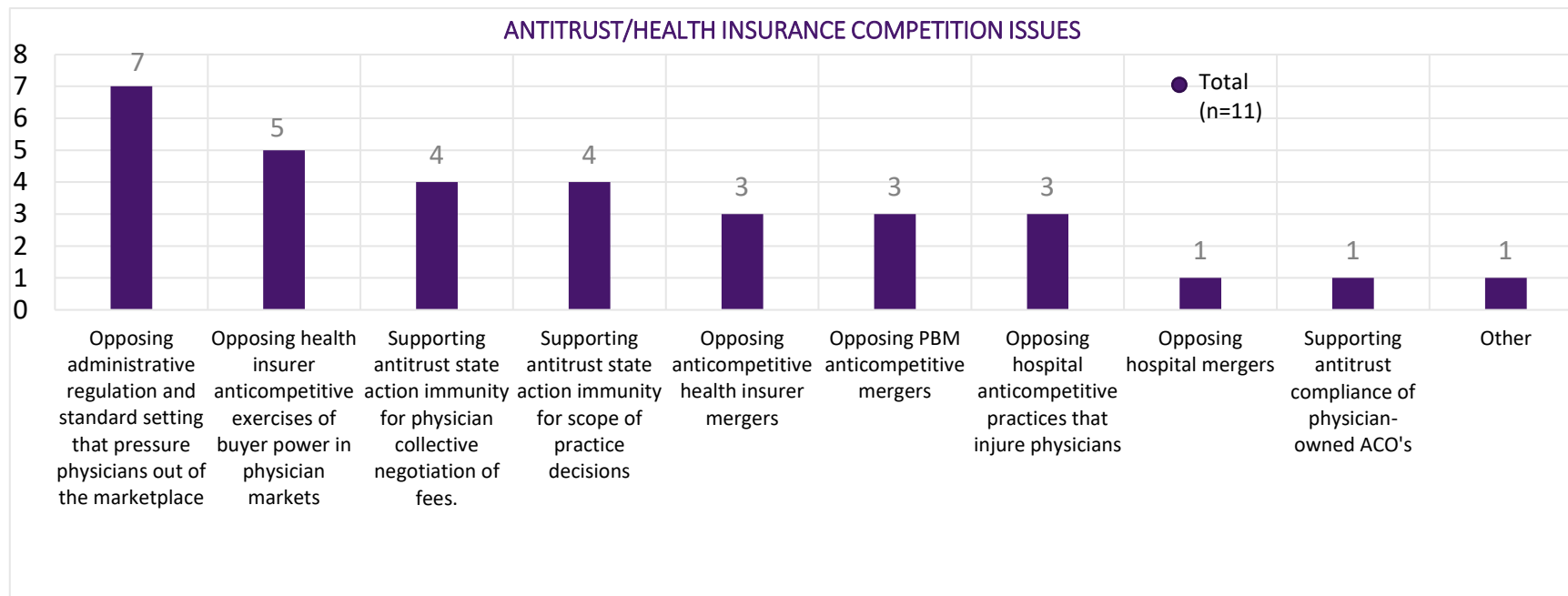
A male doctor with a beard, wearing a white lab coat, is looking down at a tablet computer he is holding with both hands. He is in a laboratory or clinical setting, with a blurred background showing scientific equipment like a microscope and test tubes. The lighting is soft and focused on the doctor.

# Specific Issues: Legislative Priorities



# Antitrust or Health Insurance Competition

Among those planning to work on antitrust or health insurance, opposing administrative regulation and standard setting that pressure physicians out of the marketplace will be a priority for 7 of the 11 respondents.



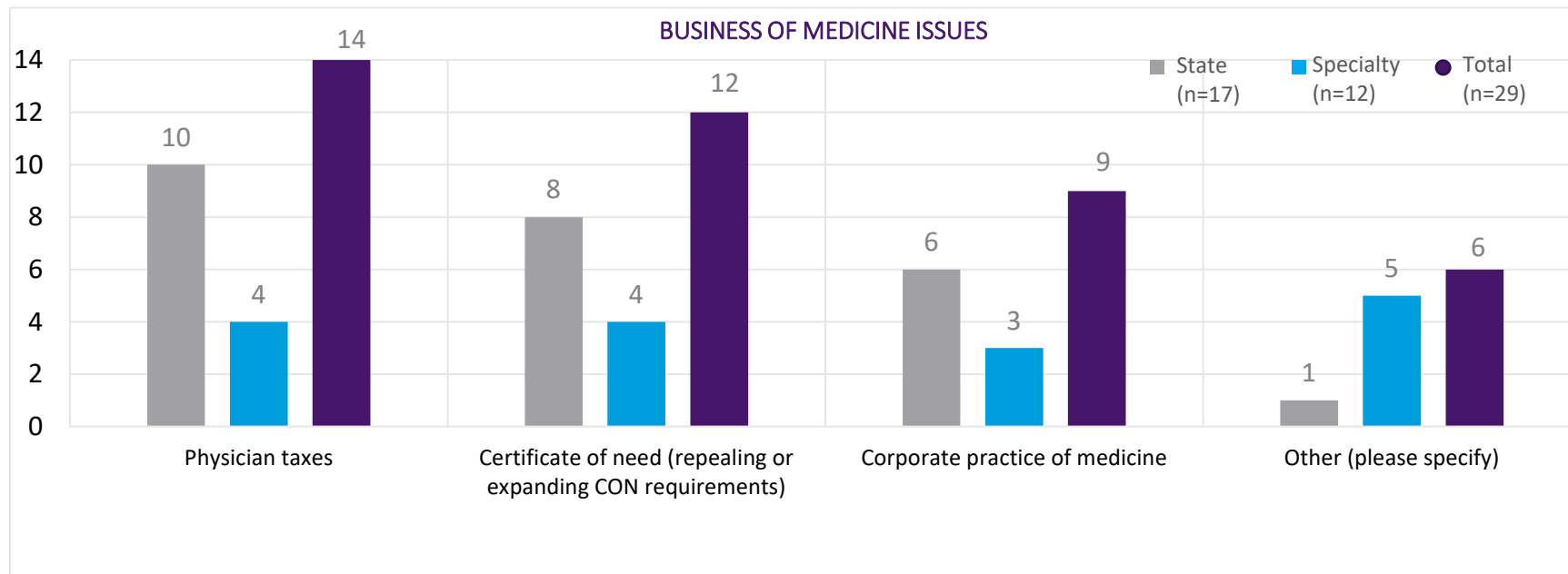
Q11 - Which of the following antitrust or health insurance issues does your association expect to work on in 2021? Select all that apply.



A close-up photograph of a person's hands typing on a laptop keyboard. A silver stethoscope is resting on the desk in the foreground. The image has a purple tint.

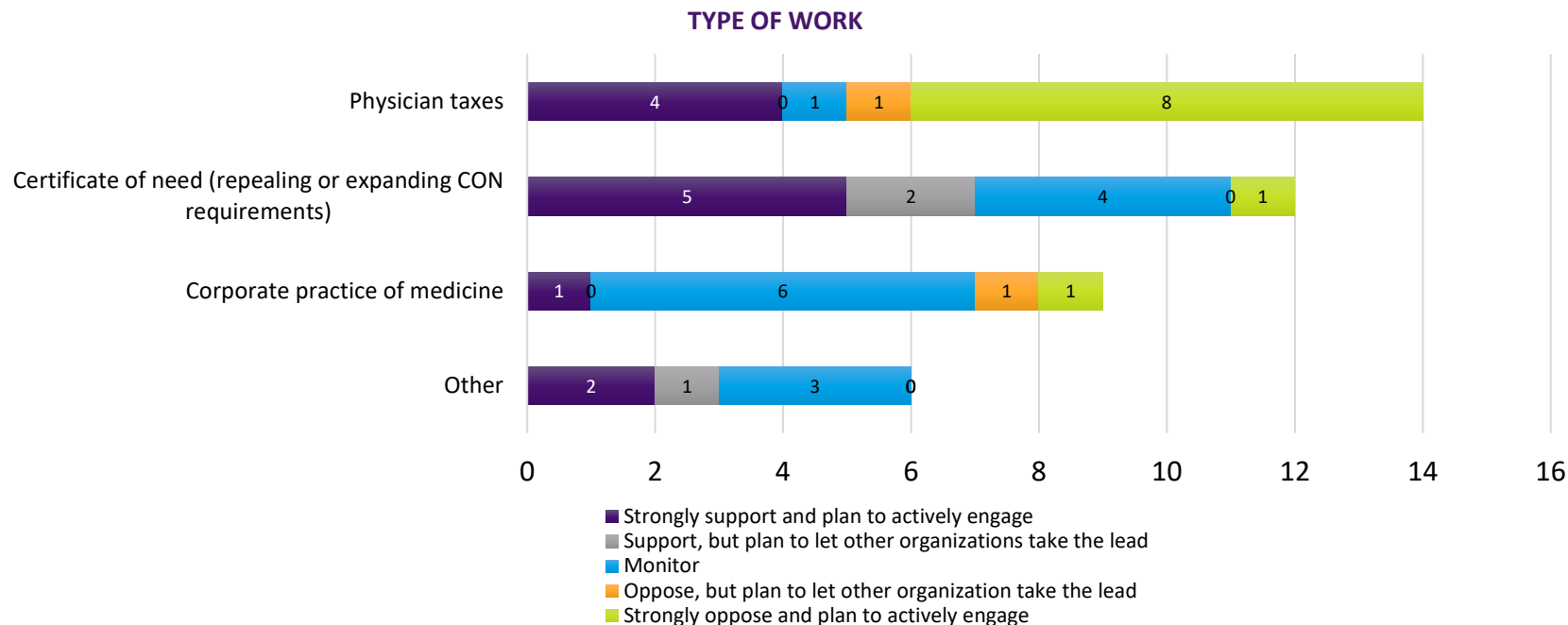
# Business of Medicine

Among those planning to work on business of medicine issues, 14 of the 29 expect to see activity related to physician taxes.



Q12 - Which of the following business of medicine issues does your association expect to work on in 2021? Select all that apply.

Most of those planning to work on physician taxes say they will “strongly oppose and plan to actively engage” the issue.



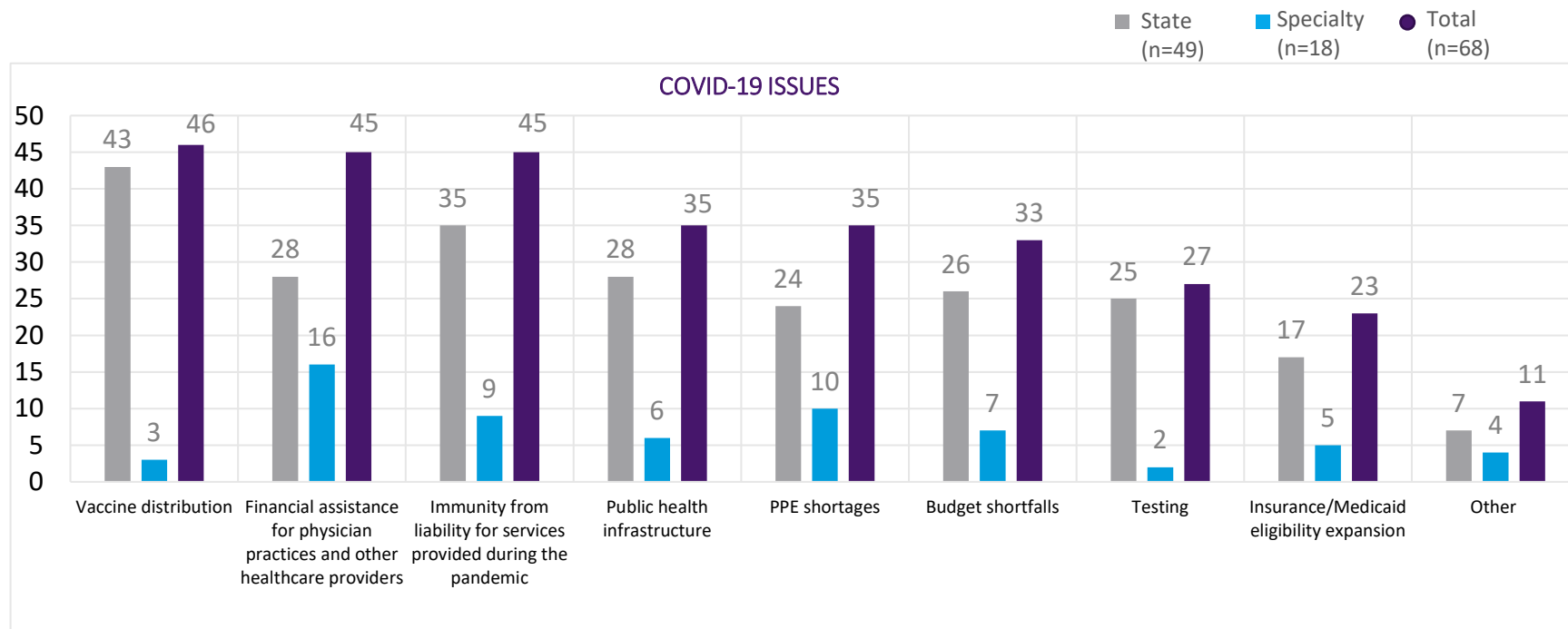
Q90 - What type of work does your association plan to undertake on the following business of medicine issues in 2021?





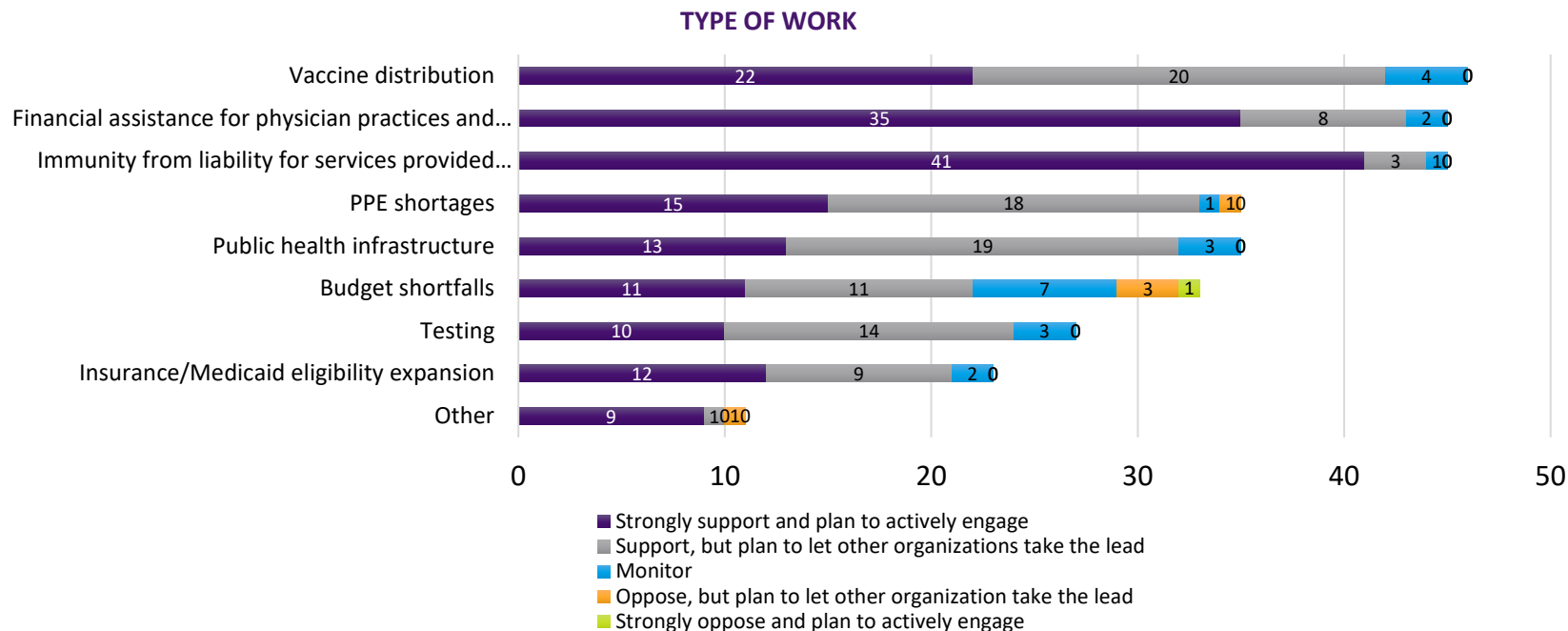
# COVID-19

Among those planning to work on COVID-19 issues, two-thirds (46 of 68) expect to see activity related to vaccine distribution, financial assistance and liability immunity.



Q10 - Which of the following issues related to COVID-19 does your association expect to work on in 2021?

Most respondents planning to work on the top three COVID issues say they will “strongly support and plan to actively engage” on those issues.

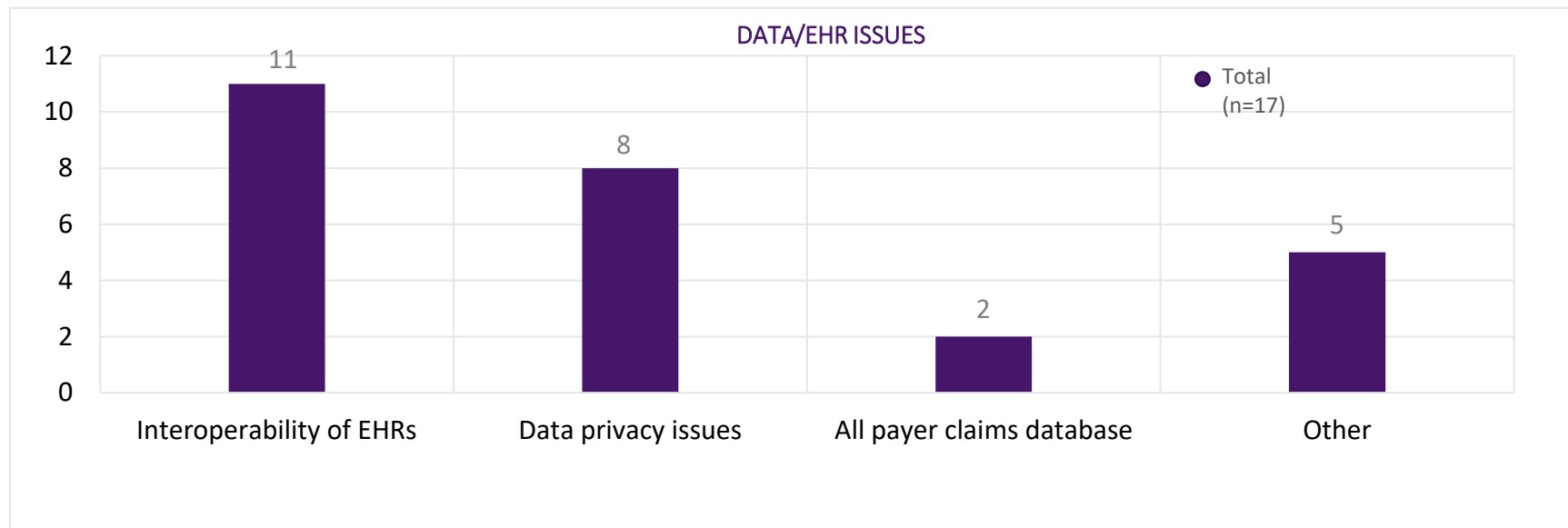


Q11 - Which of the following antitrust or health insurance issues does your association expect to work on in 2021? Select all that apply.



# Data/EHR issues at the state level

Among those planning to work on data/EHR issues, for 11 of the 17 respondents, the priority issue in 2021 will be interoperability of EHRs.

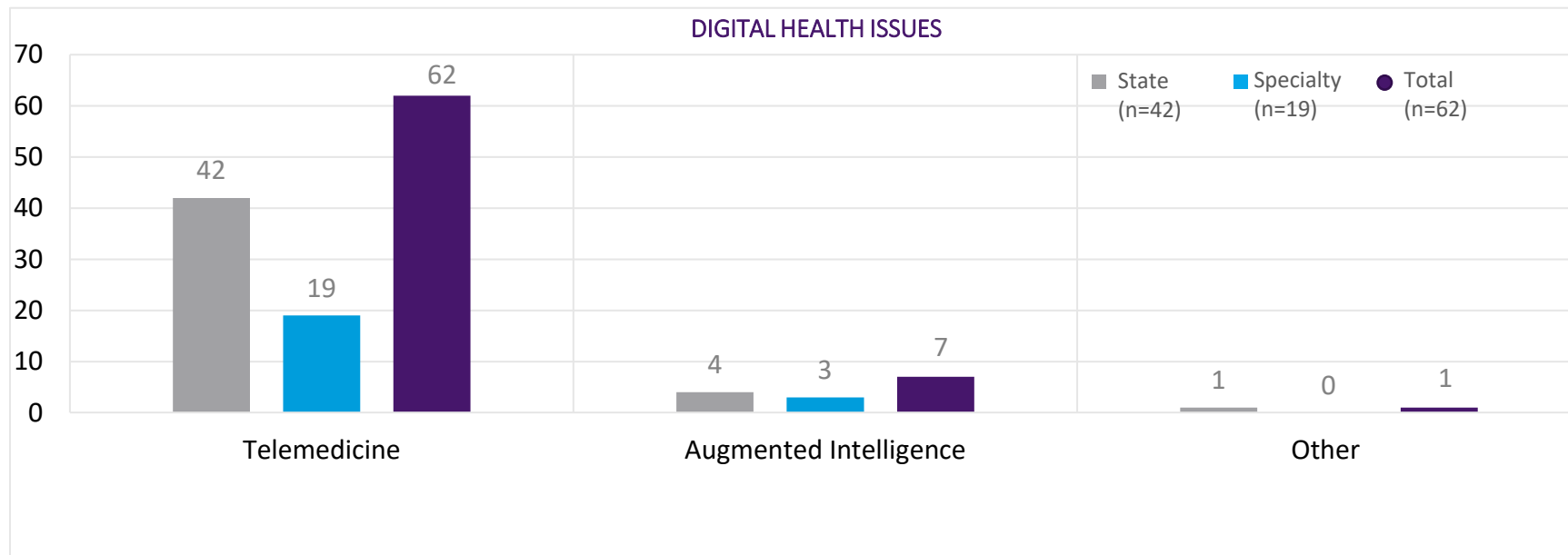


Q14 - Which of the following data/EHR issues at the state level does your association expect to work on in 2021? Select all that apply.

The background of the slide is a dark blue gradient. Overlaid on this are faint, semi-transparent graphics of a bar chart and a line graph. The bar chart consists of several vertical bars of varying heights. The line graph is a red line with several data points connected by straight segments, showing an overall upward trend. The text 'Digital Health' is centered in the middle of the slide in a white, sans-serif font.

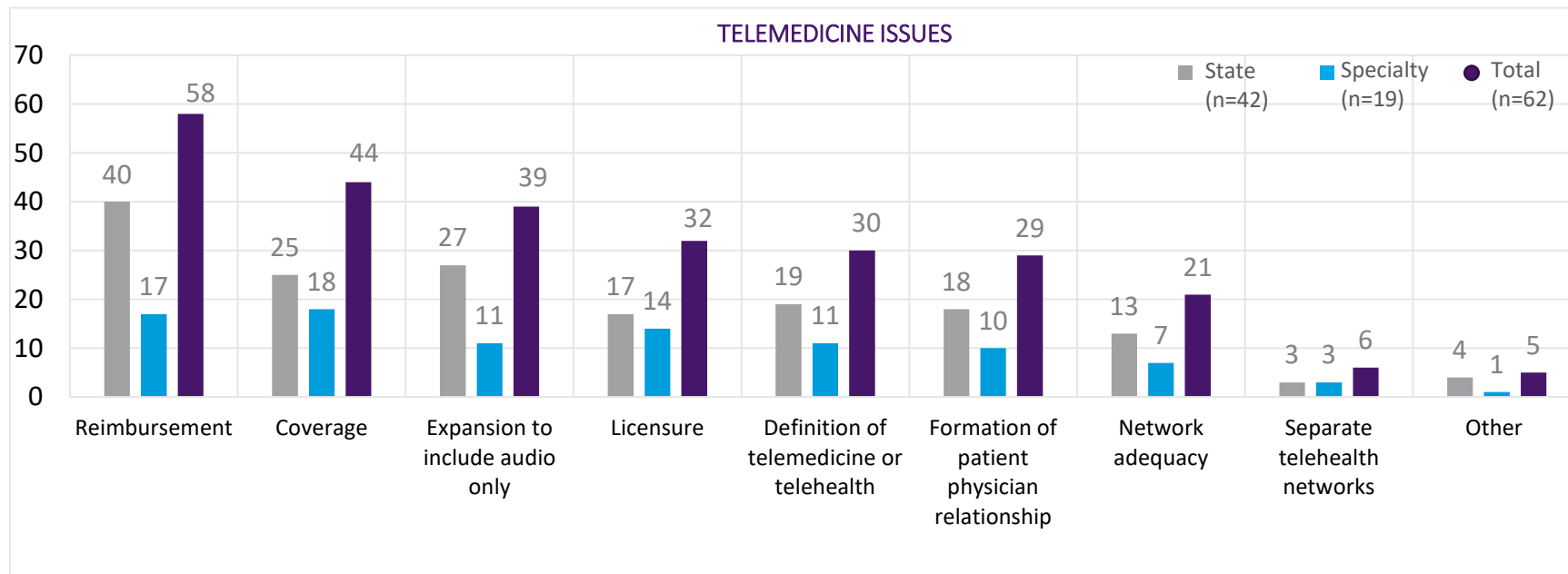
# Digital Health

All respondents who plan to work on digital health issues will focus on telemedicine (62 of 62 respondents).



Q15 - Which of the following digital health issues does your association expect to work on in 2021? Select all that apply.

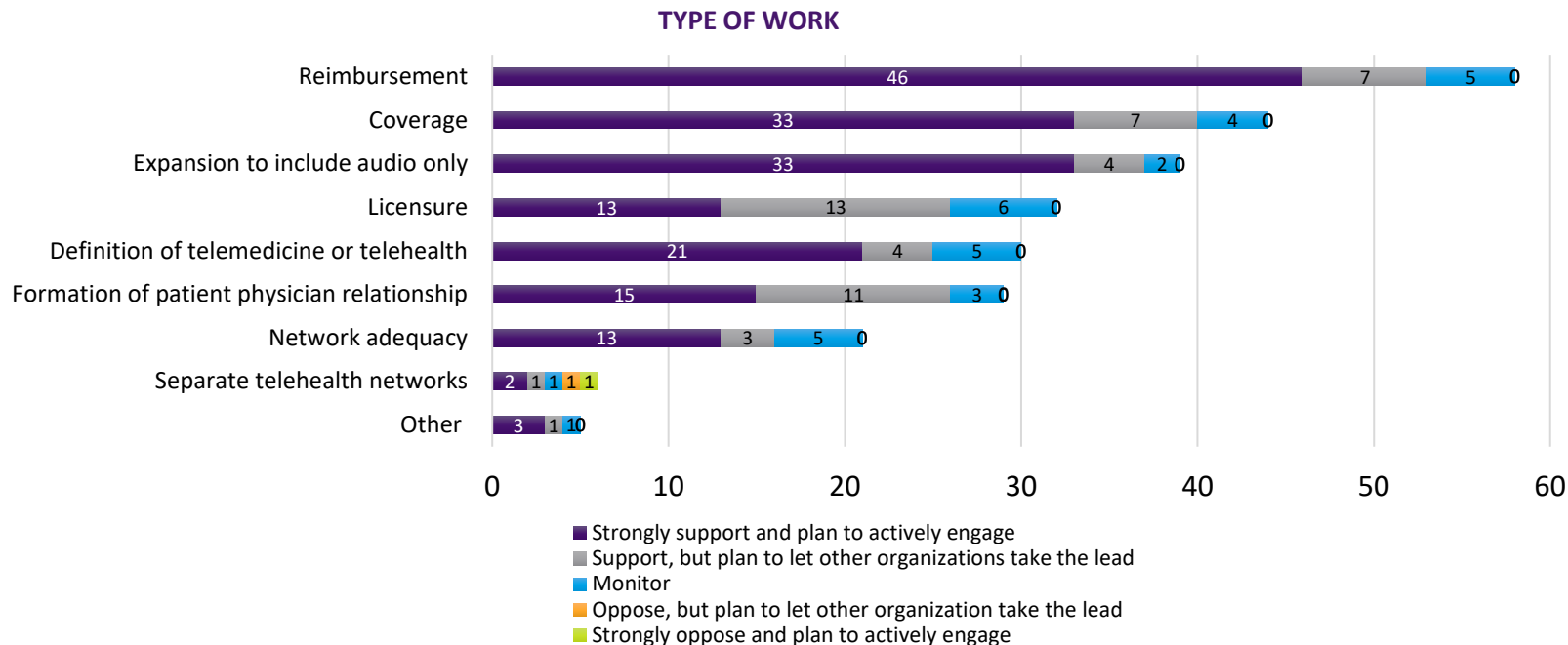
Reimbursement, coverage, and expansion to audio will be a priority for respondents who are planning to address telemedicine.



Q16 - Which of the following telemedicine issues does your association expect to work on in 2021? Select all that apply.



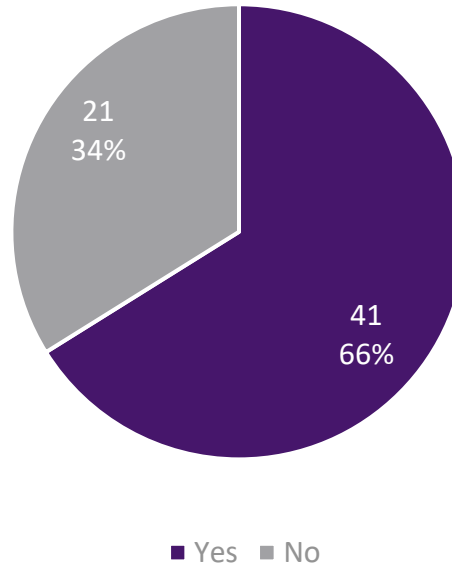
For the top concerns, most respondents plan to strongly support and engage in these initiatives.



Q17 - What type of work does your association plan to undertake on the following telemedicine issues in 2021?

66% of respondents who work on telehealth say it's due to Covid-19.

### TELEHEALTH DUE TO COVID-19

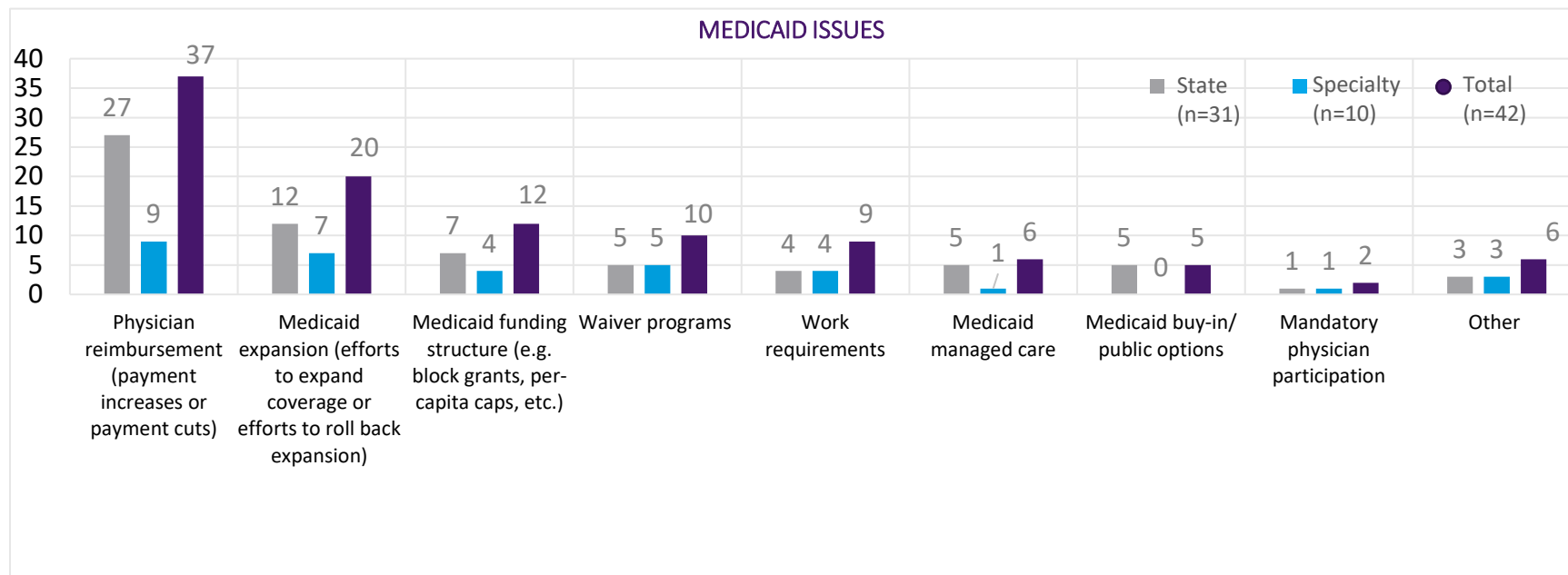


Q18 - Is your association's work on telehealth due to COVID-19?

A photograph of three healthcare professionals, two women and one man, all wearing white lab coats and stethoscopes. They are gathered around a tablet computer, looking at the screen with focused expressions. The woman on the left is holding a clipboard. The background is slightly blurred, showing what appears to be a clinical setting. The entire image has a soft purple and blue color overlay.

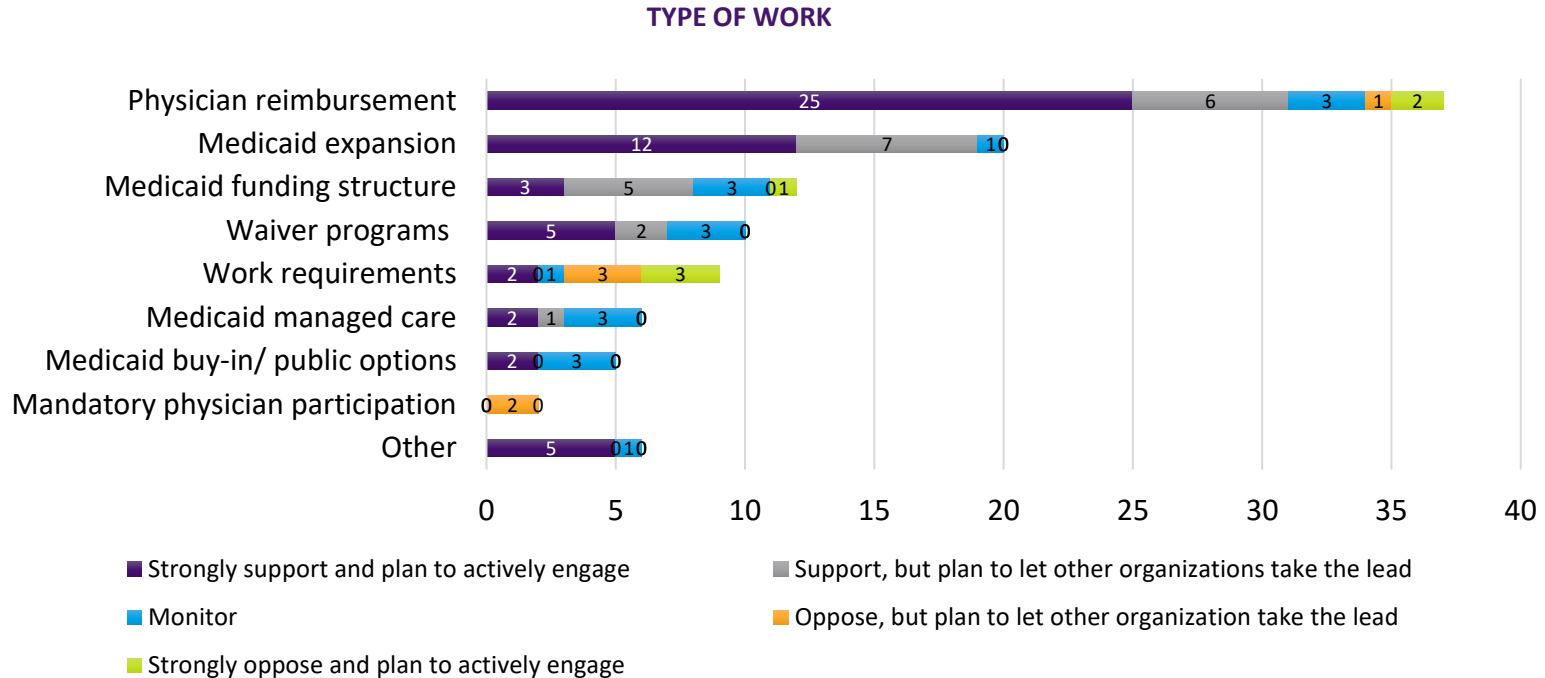
# Medicaid

Thirty-seven (37) of the 42 respondents planning to address Medicaid issues anticipate working on physician reimbursement.



Q19 - Which of the following Medicaid issues does your association expect to work on in 2021? Select all that apply.

Most of those planning to address physician reimbursement will “strongly support and plan to actively engage” the issue.

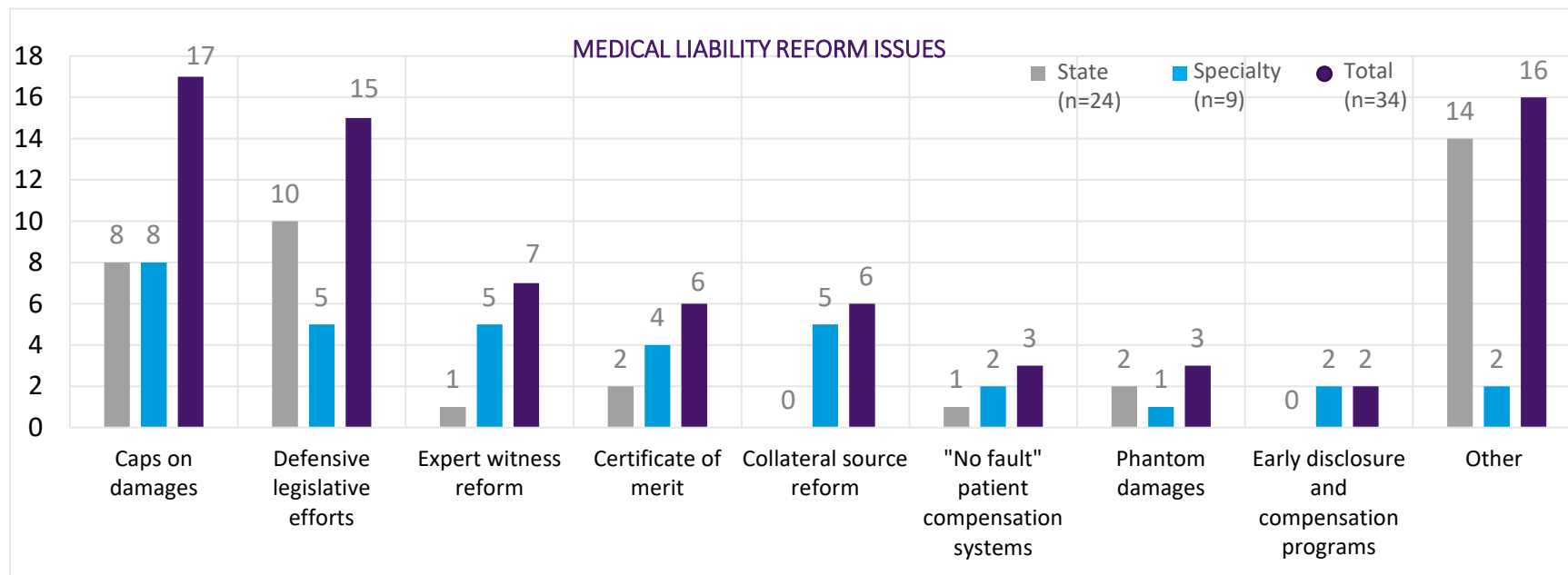


Q20 - What type of work does your association plan to undertake on the following Medicaid issues in 2021?

A person wearing a white lab coat is holding a tablet computer. The tablet screen displays a medical chart with various data points and a red vertical bar. The person's hands are visible, and they are wearing a silver watch on their left wrist. The background is a dark, textured surface, possibly a wall or floor.

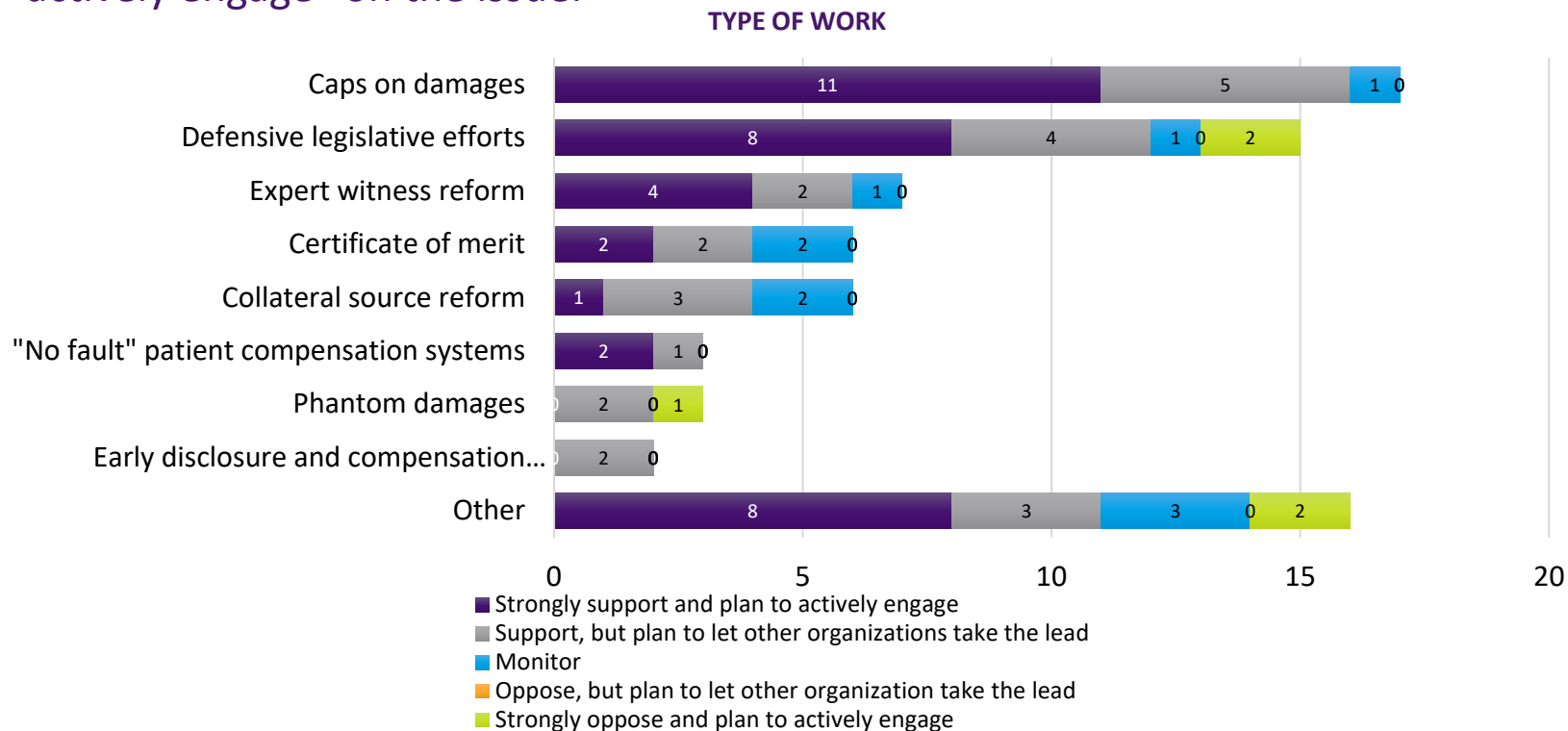
# Medical Liability Reform

Caps on damages will be a priority for 17 of the 34 respondents planning to address medical liability reform issues.



Q21 - Which of the following medical liability reform issues does your association expect to work on in 2021? Select all that apply.

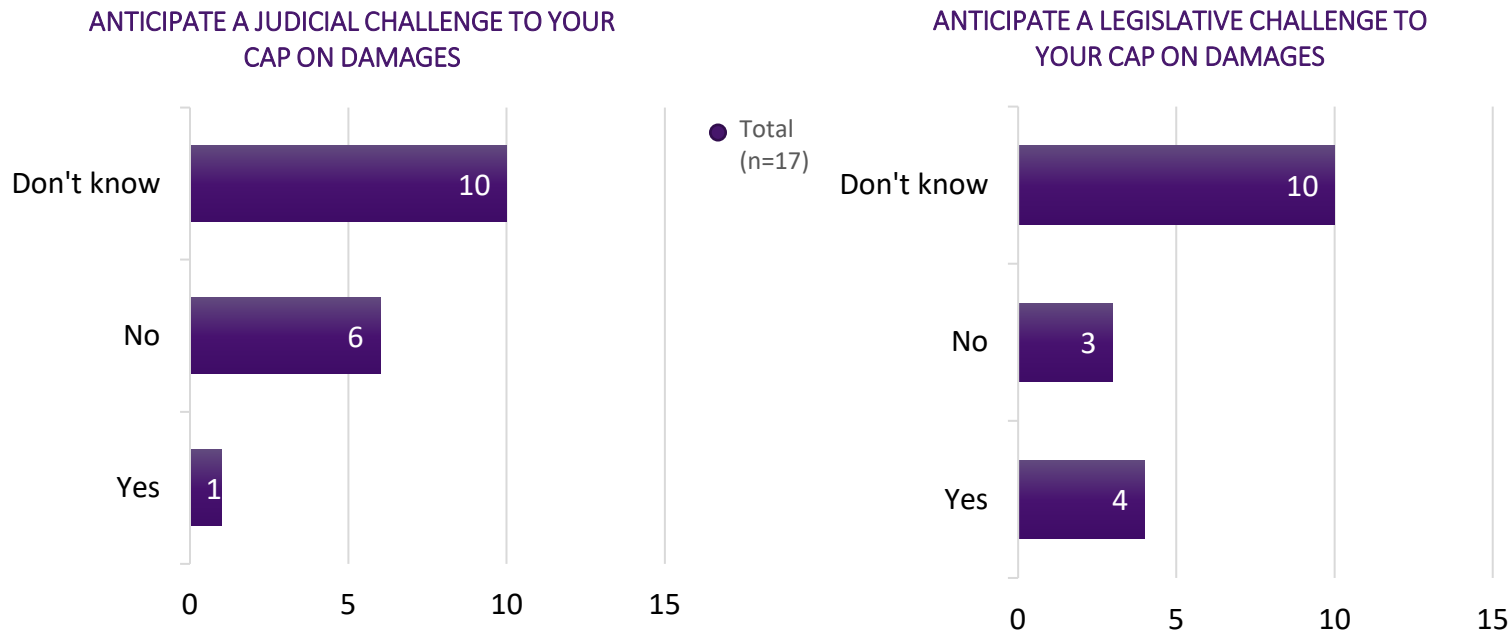
Most of those planning to undertake caps on damages will “strongly support and plan to actively engage” on the issue.



Q22 - What type of work does your association plan to undertake on the following medical liability reform issues in 2021?



More than half (10 of 17) of those who will work on caps on damages do not know if they anticipate a judicial challenge or legislative challenge.

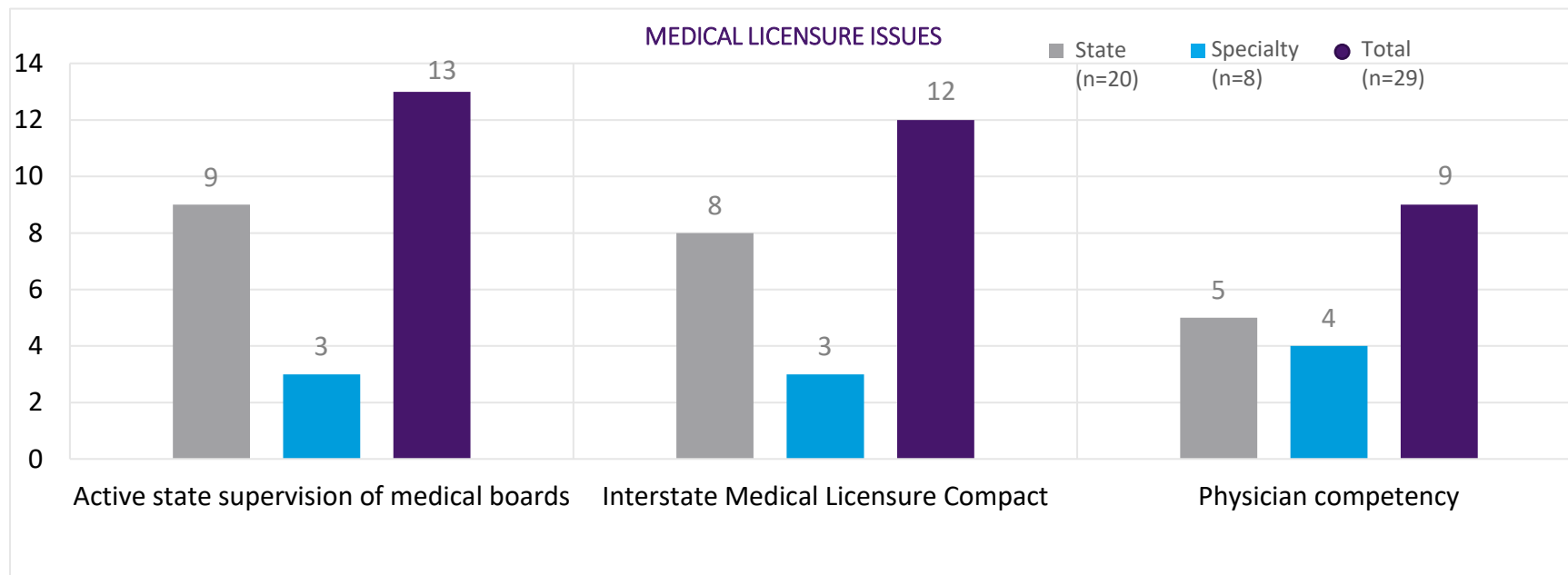


Q23 - Do you anticipate a judicial challenge to your cap on damages? Q24 - Do you anticipate a legislative challenge to your cap on damages?



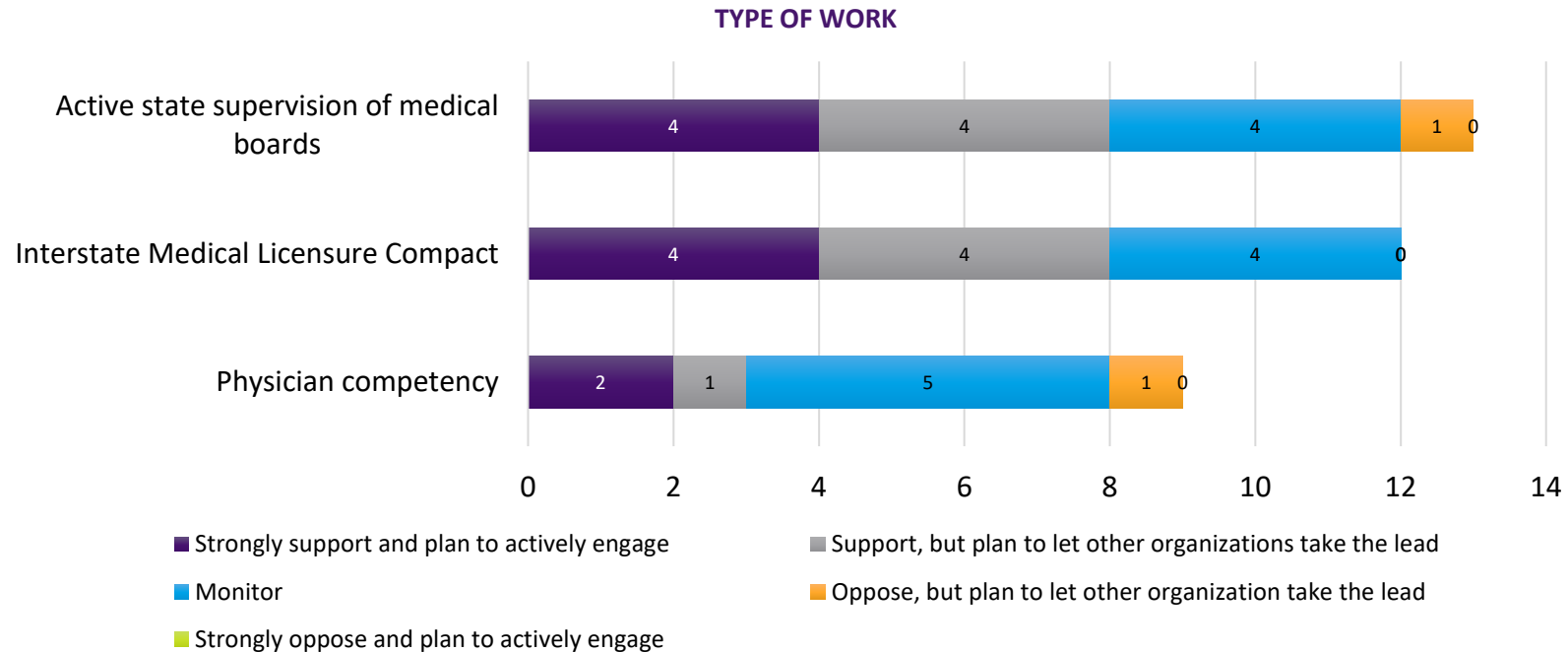
# Medical Licensure Issues

Among respondents planning to work on medical licensure, 13 of the 29 will focus on active state supervision of medical boards.



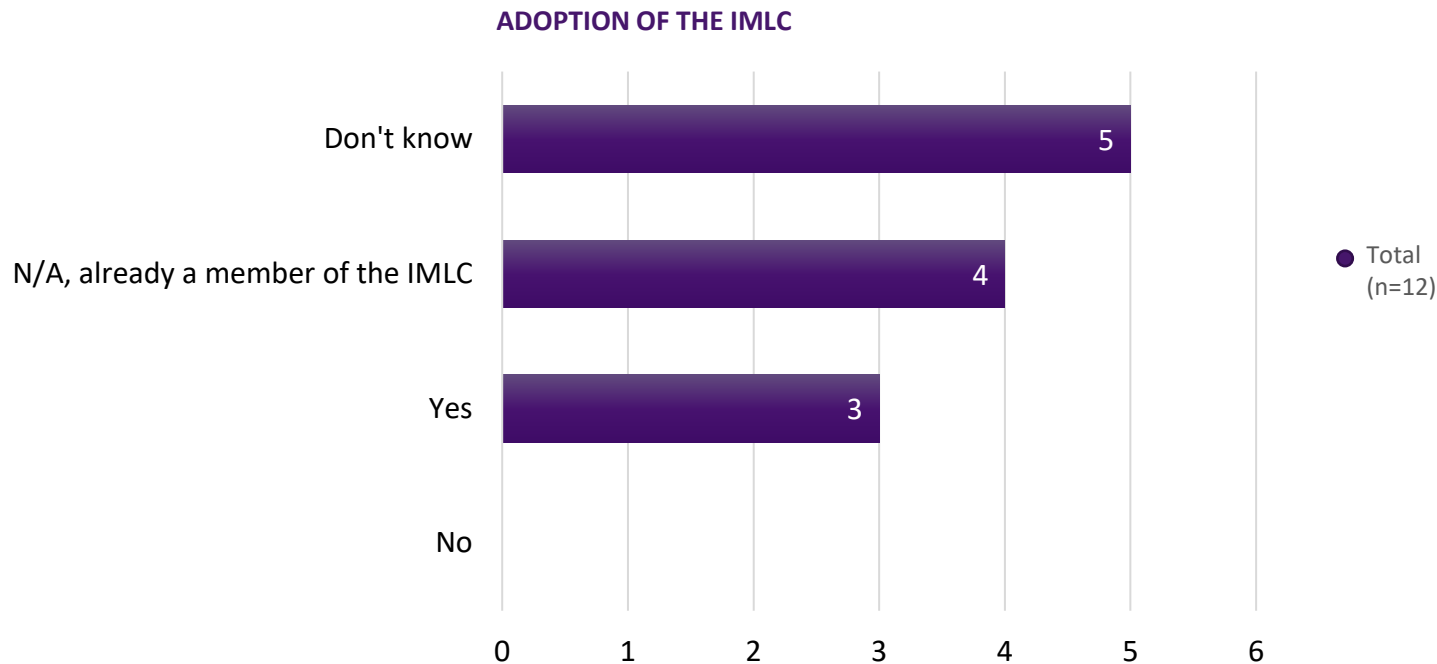
Q25 - Which of the following medical licensure issues does your association expect to work on in 2021? Select all that apply.

Those planning to work on active state supervision of medical boards will “strongly support and plan to actively engage,” “monitor” or “support but plan to let other organizations take the lead”.



Q26 - What type of work does your association plan to undertake on the following medical licensure issues in 2021?

For those planning to work on the interstate medical licensure compact, 5 of the 12 say they are unsure if their state is considering adoption.

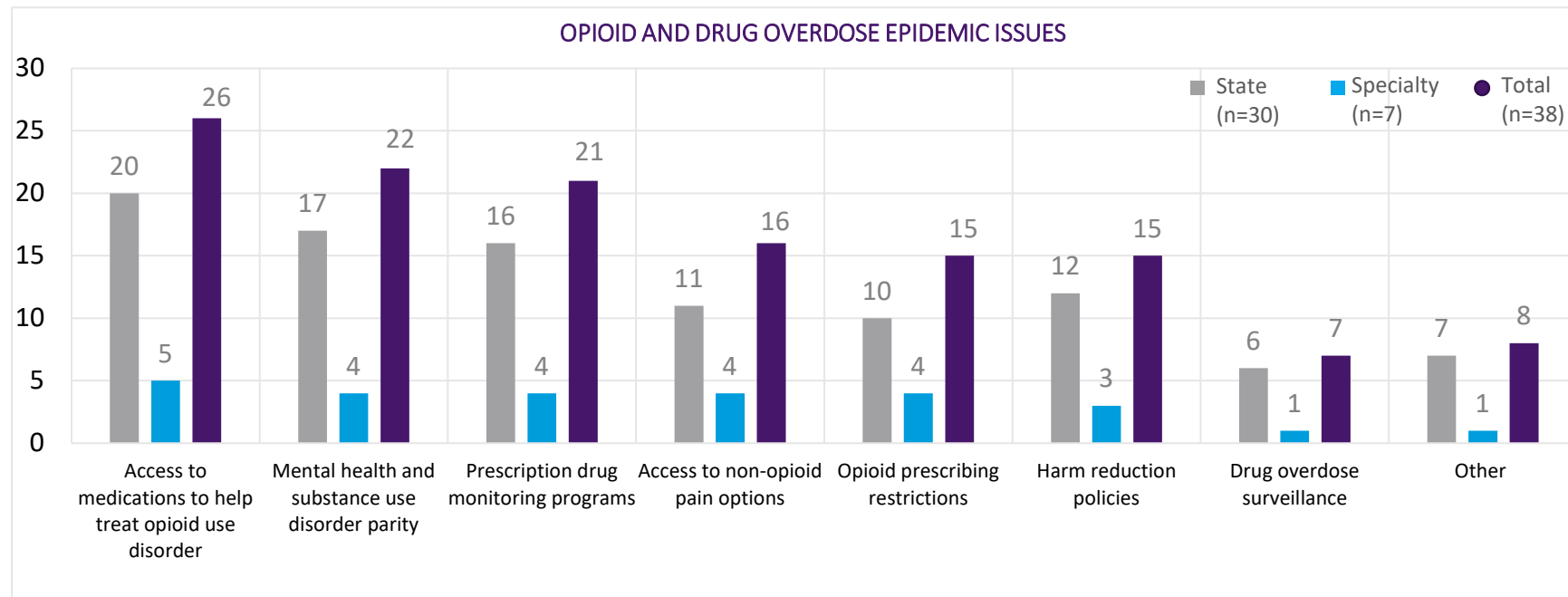


Q27 - Is your state considering adoption of the IMLC?

The background of the slide features a photograph of the United States Capitol building in Washington, D.C. The iconic dome is visible in the distance, framed by the large, fluted columns of a classical building in the foreground. The scene is captured in a cool, blue-toned light, possibly during dawn or dusk, creating a somber and official atmosphere.

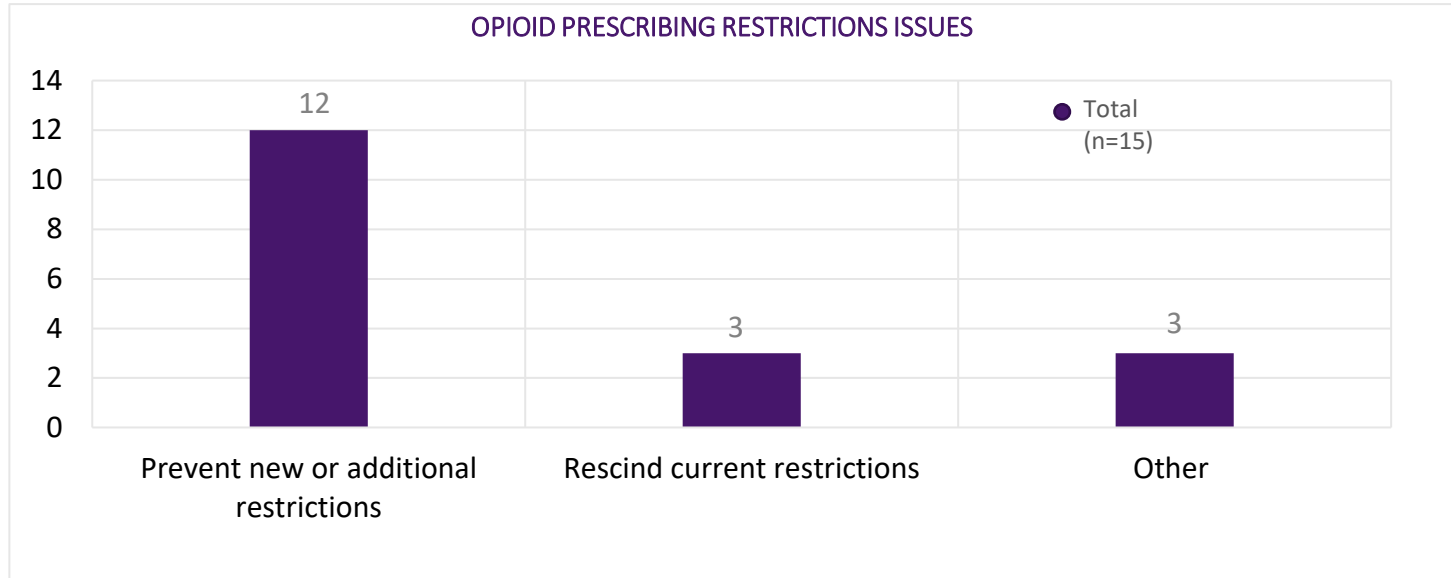
# Opioid and Drug Overdose Epidemic Issues

Among those planning to work on opioid and drug overdose epidemic issues in 2021, 26 of the 38 anticipate activity related to access to medications to help treat opioid use disorder, while 22 of the 38 anticipate activity related to mental health and substance use disorder parity.



Q28 - Which of the following opioid and drug overdose epidemic issues does your association expect to work on in 2021? Select all that apply.

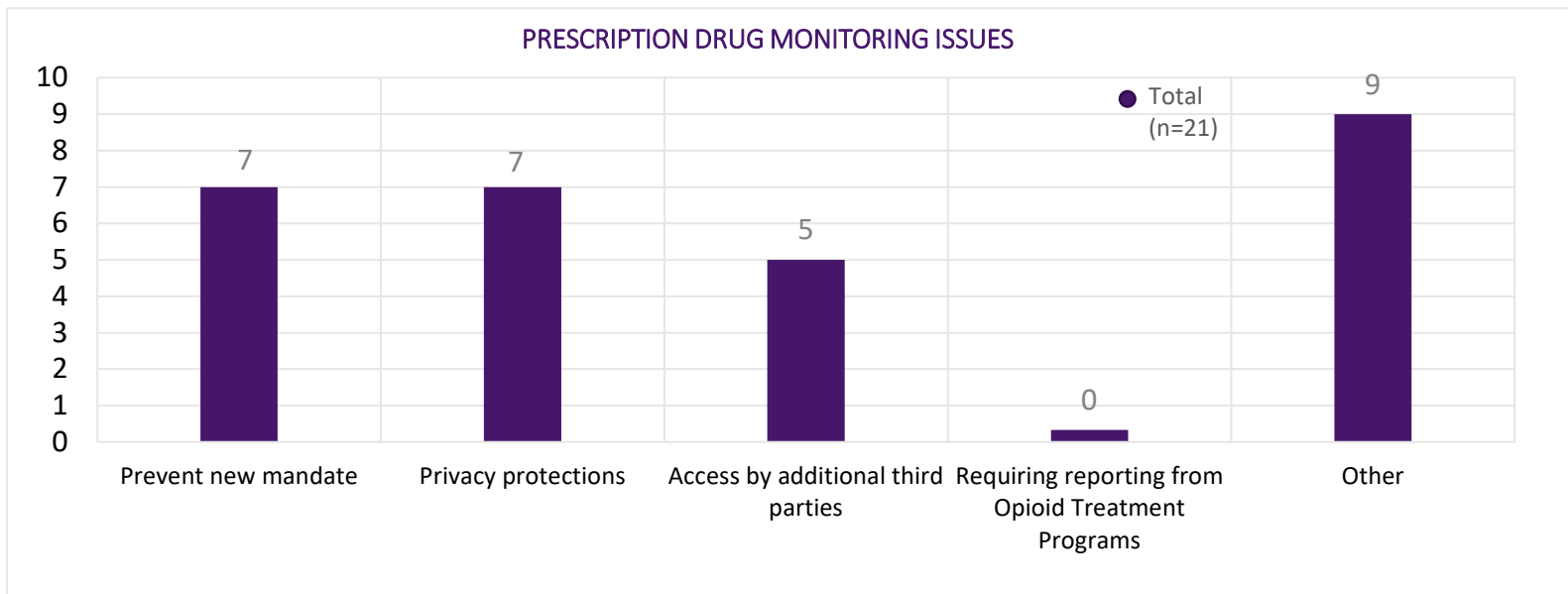
Most of those planning to work on opioid prescribing restrictions say they will focus on preventing new or additional restrictions (12 of 15 respondents).



Q29 - Which of the following opioid prescribing restrictions does your association expect to work on in 2021? Select all that apply.



At least one-third of those planning to work on prescription drug monitoring programs will focus on privacy protections (7 of 21 respondents) and preventing new mandates (7 of 21 respondents).

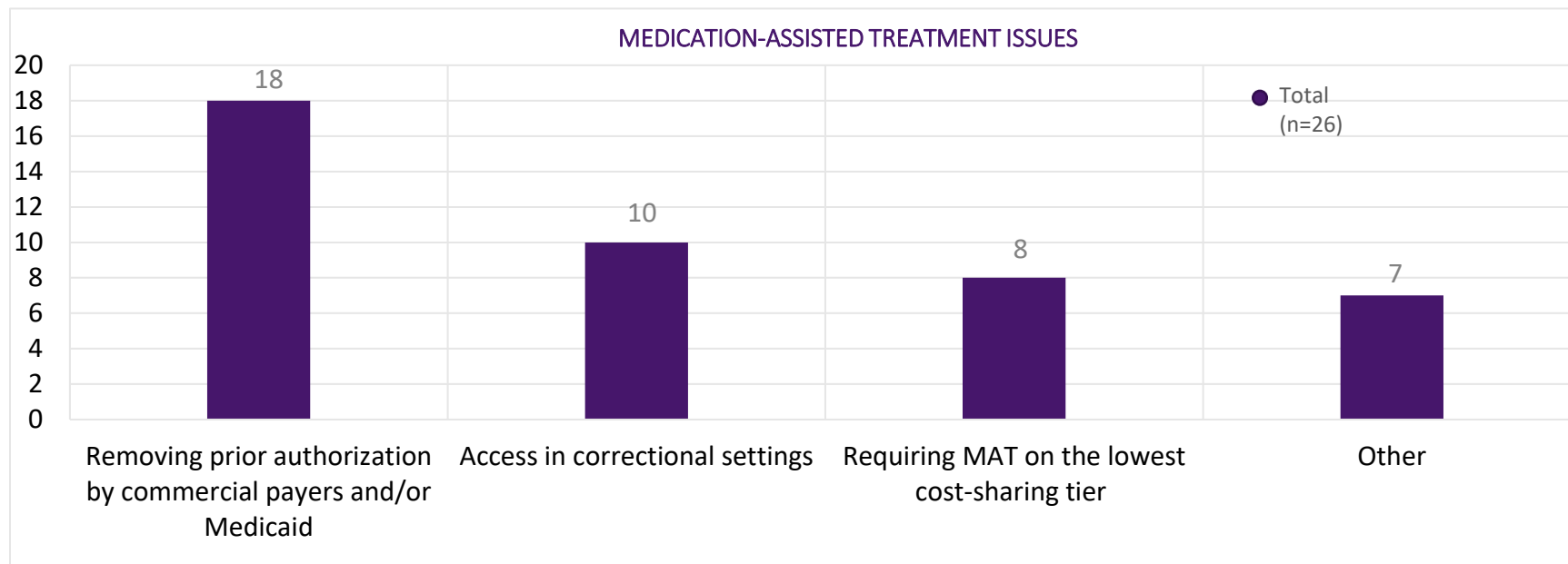


“Other” responses:

1. Medical Cannabis
2. PDMP
3. PBM regulation
4. Integration with HIE
5. Top prescriber identification
6. Authorization of a statewide PDMP
7. Interoperability with EHR
8. Future Prep
9. Monitoring prescribing data reports

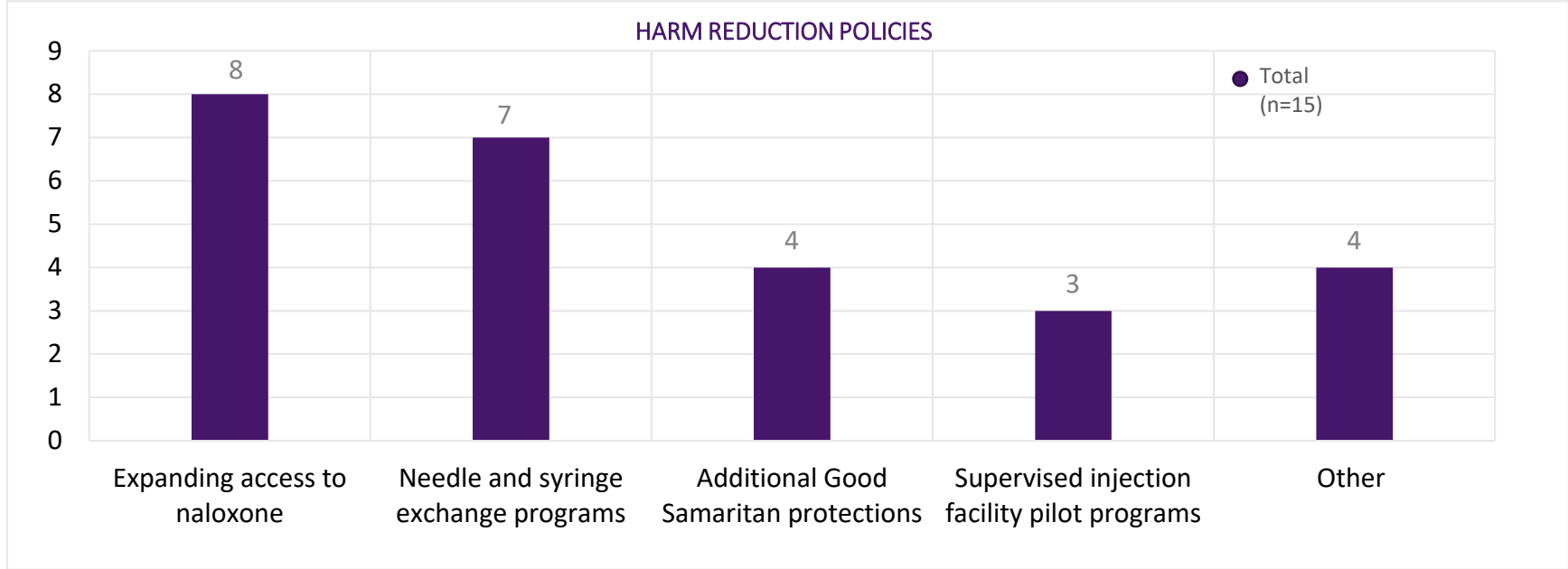
Q30 - Which of the following prescription drug monitoring programs does your association expect to work on in 2021? Select all that apply.

For those planning to work on medication-assisted treatment issues, the priority for 18 of the 26 respondents will be removing prior authorization by commercial payers and/ or Medicaid.



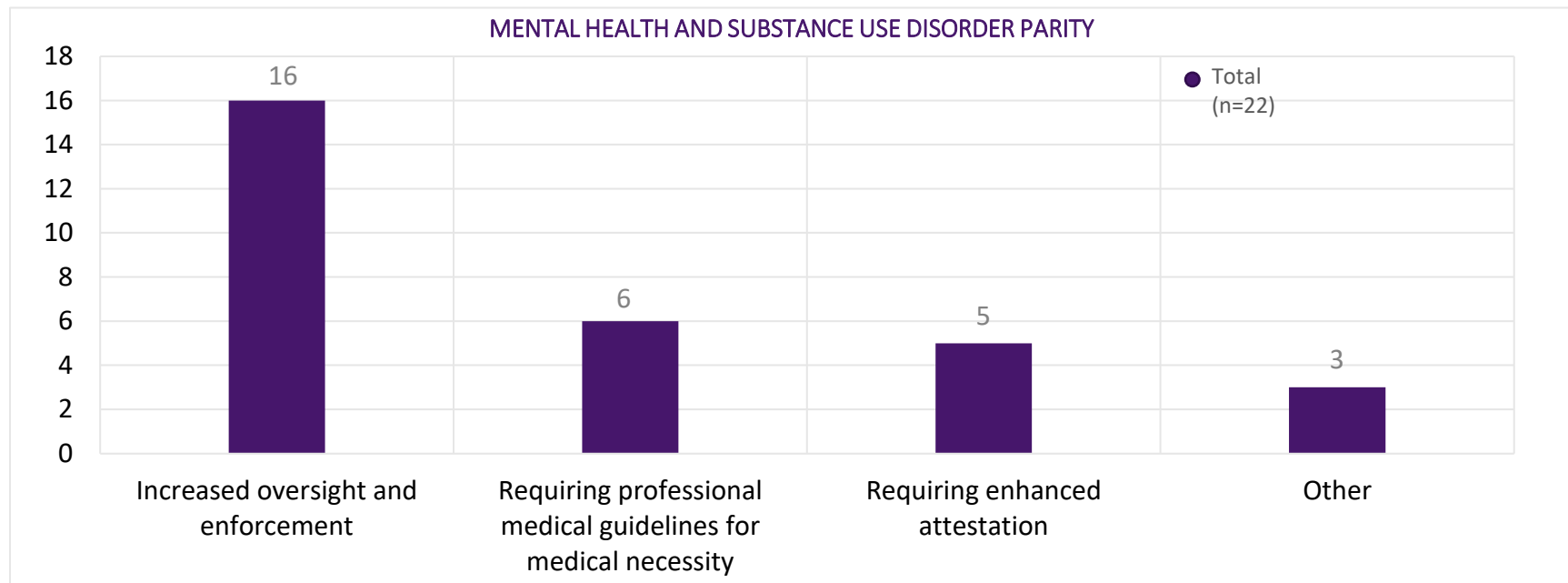
Q31 - Which of the following access to medications to help treat opioid use disorder issues does your association expect to work on in 2021? Select all that apply.

Among those planning to work on harm reduction policies, approximately half of the respondents will focus on expanding access to naloxone (8 of 15) and needle/syringe exchange programs (7 of 15).



Q32 - Which of the following harm reduction policies does your association expect to work on in 2021? Select all that apply.

For those planning to work on mental health and substance use disorder parity issues, 16 of the 22 respondents will focus on increased oversight and enforcement.

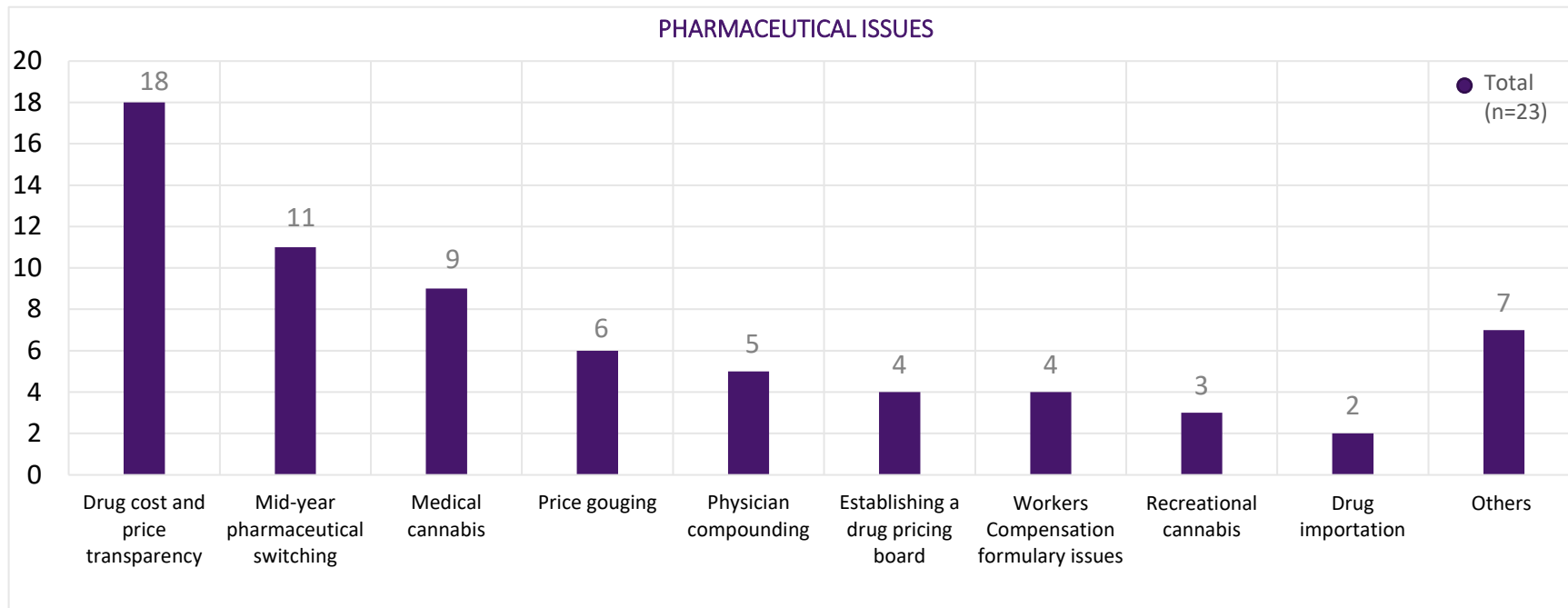


Q33 - Which of the following mental health and substance use disorder parity issues does your association expect to work on in 2021? Select all that apply.



# Pharmaceutical Issues

Eighteen (18) of the 23 respondents who plan to work on pharmaceutical issues anticipate activity related to drug cost and price transparency.

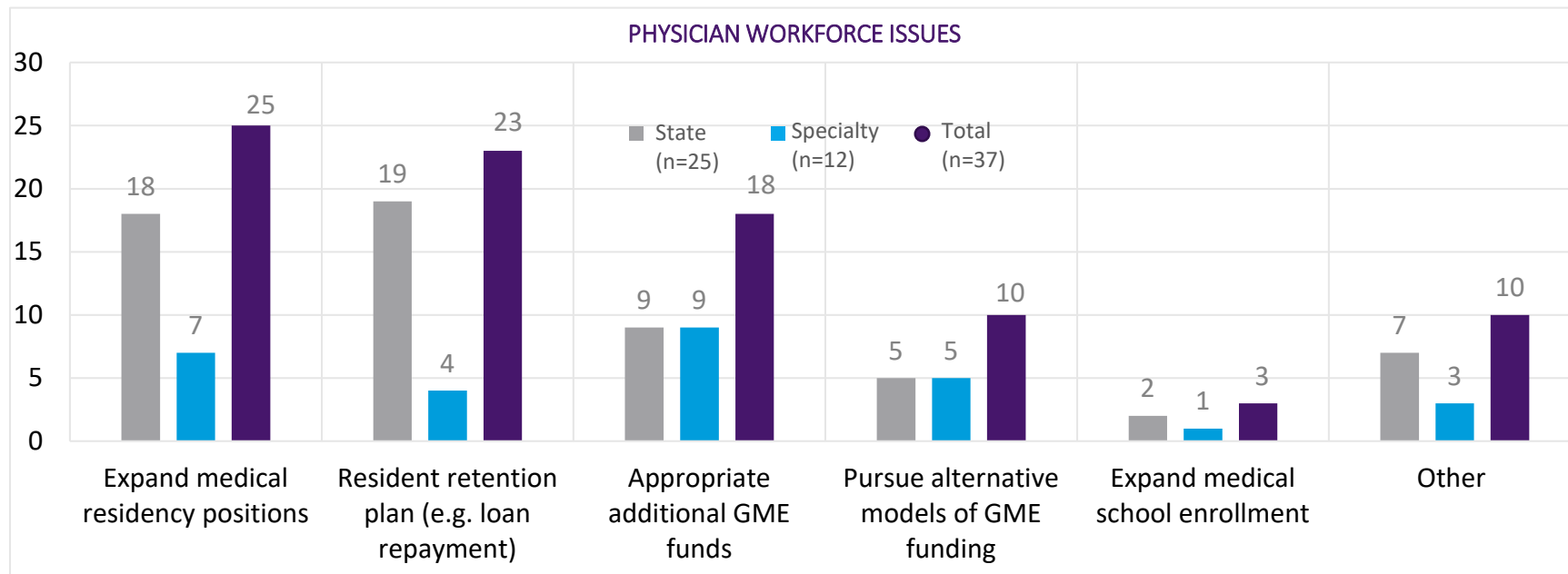


Q34 - Which of the following pharmaceutical issues does your association expect to work on in 2021? Select all that apply.



# Physician Workforce

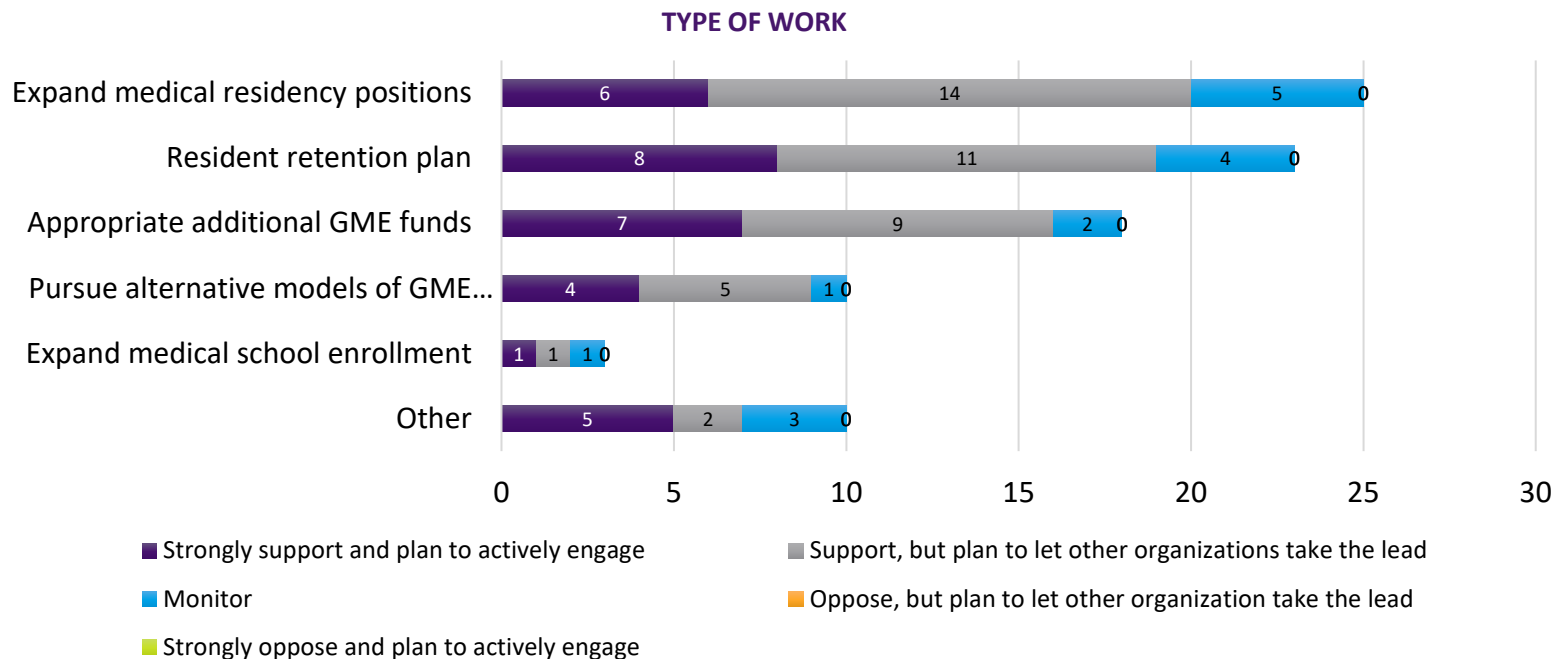
Many respondents who plan to work on physician workforce issues anticipate activity related to expanding medical residency positions (25 of 37) and resident retention plans (23 of 37).



Q35 - Which of the following physician workforce issues does your association expect to work on in 2021? Select all that apply.



Among those planning to work on expanding medical residency positions or resident retention plans, most will “support, but plan to let other organizations take the lead.”



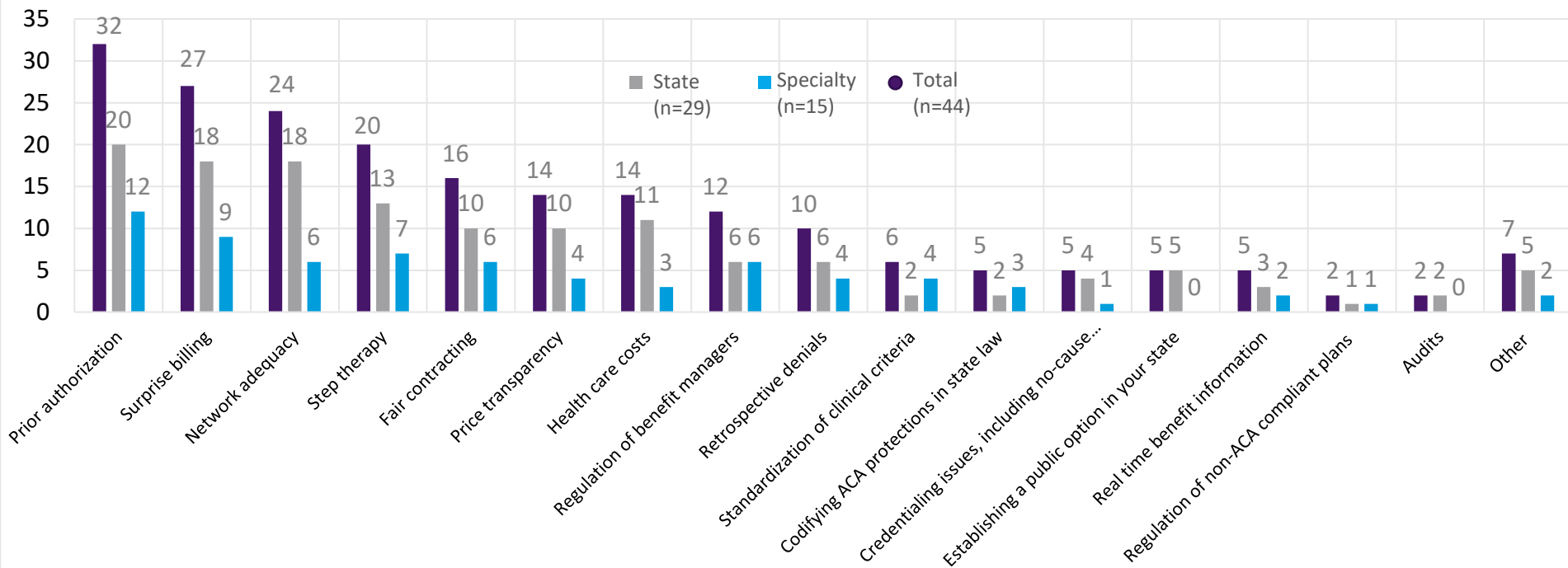
Q36 - What type of work does your association plan to undertake on the following physician workforce issues in 2021?



# Private Health Insurance Practices

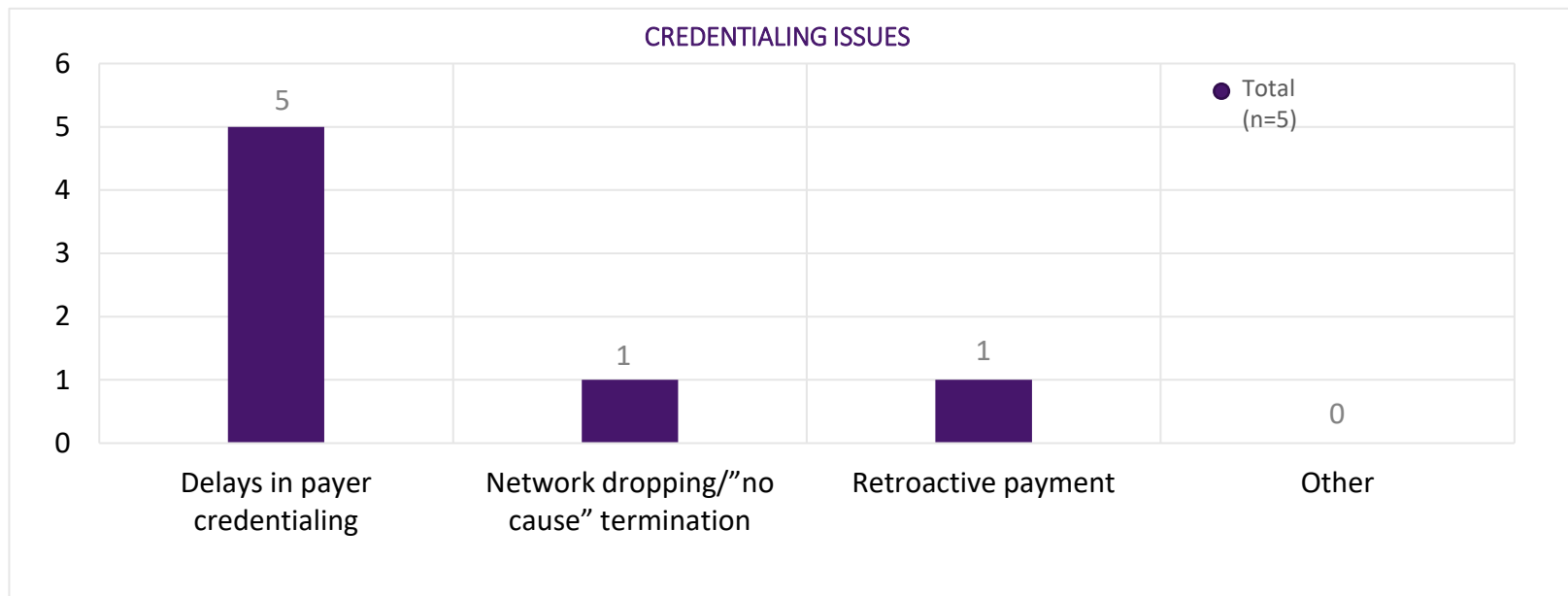
Thirty-two (32) of the 44 respondents who plan to work on private health insurance issues will focus on prior authorization. Twenty-seven (27) will focus on surprise billing.

PRIVATE HEALTH INSURANCE ISSUES



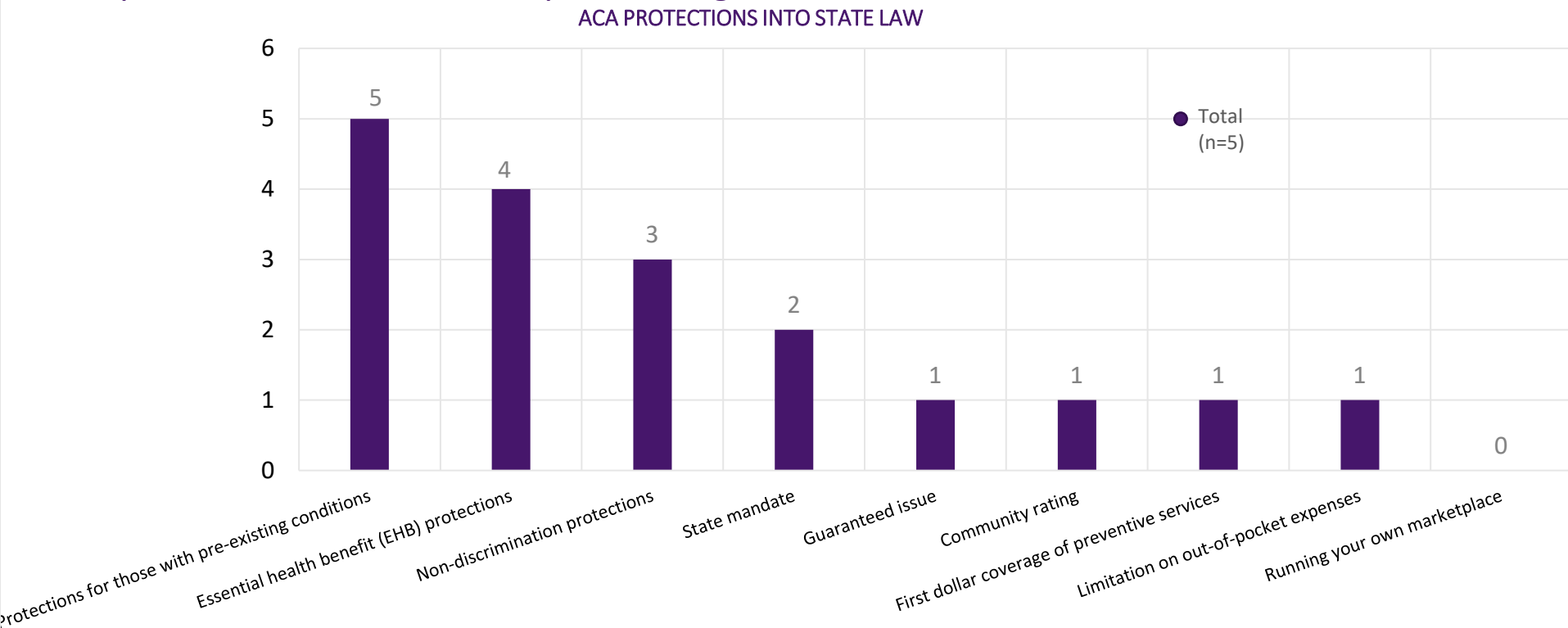
Q37 - Which of the following private health insurance issues does your association expect to work on in 2021? Select all that apply.

Among those planning to work on credentialing issues, all will focus on delays in payer credentialing.



Q38 - Which of the following credentialing issues, including no-cause termination does your association expect to work on in 2021? Select all that apply.

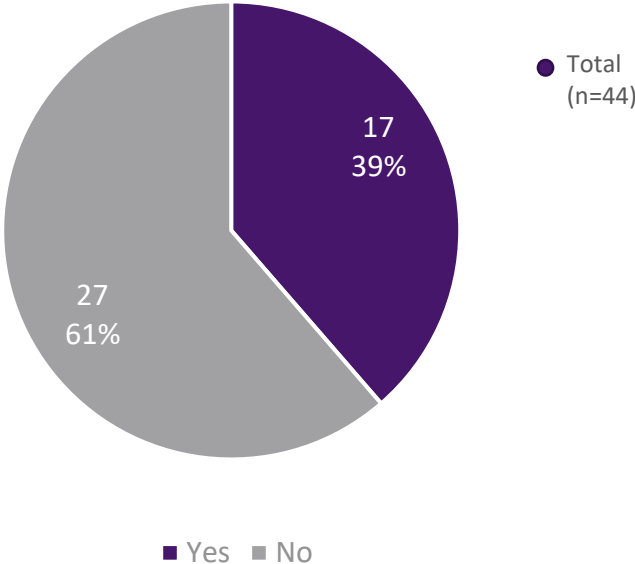
Among those planning to work on codifying ACA protections into state law, all will focus on protections for those with pre-existing conditions.



Q39 - If you plan to codify ACA protections into state law, which of the following apply?

61% of respondents planning to work on private health insurance say they don't have the bandwidth or resources this year to address some of the issues they would like.

LOW BANDWIDTH OR RESOURCES FOR PRIVATE HEALTH INSURANCE



**Low Bandwidth / Resources  
Private Health Insurance Issues:**

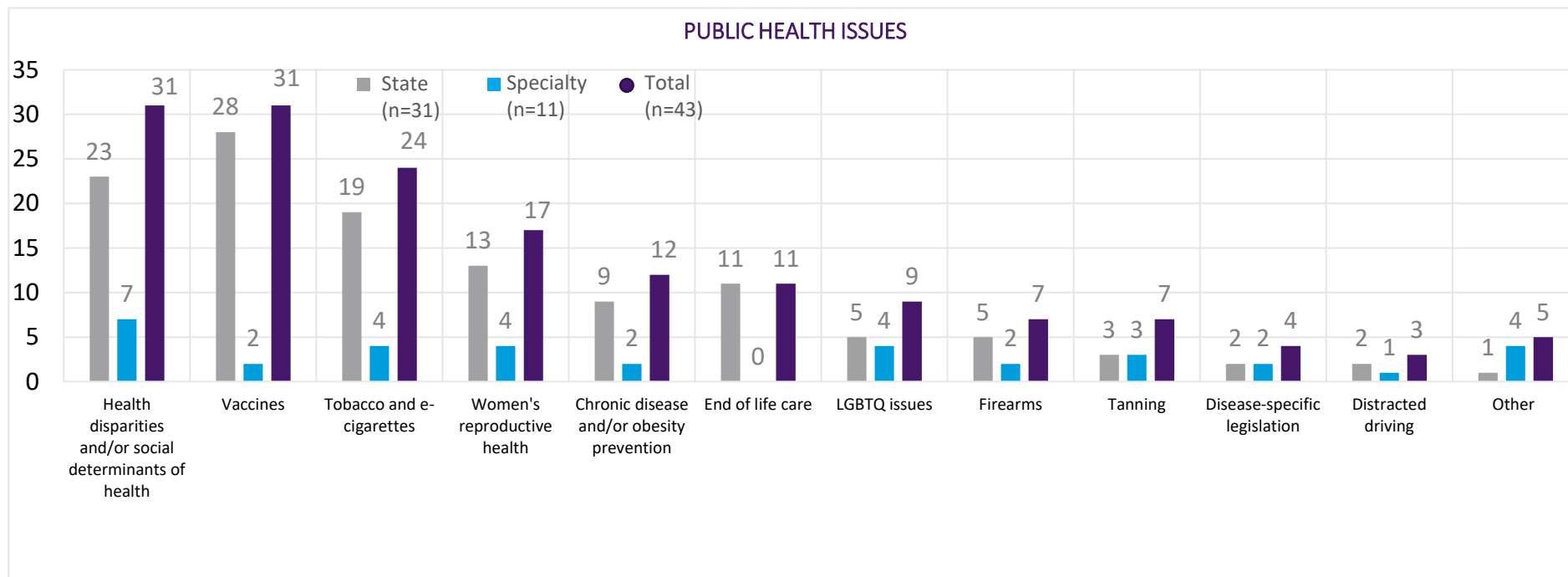
1. Standardized Quality Metrics
2. Insurance commissioner challenges
3. Prior Authorizations
4. Quality measure proliferation
5. Contract payment methodology amendments
6. Network adequacy
7. Surprise billing
8. Step therapy
9. Public awareness
10. Maintenance of certification

Q40 - Are there any private health insurance issues that you would like to address but don't have the bandwidth or resources this year?  
Q41 - What are those private health insurance issues that you would like to address but don't have the bandwidth or resources this year?

A man with a beard and short hair, wearing a white lab coat, is looking down at a tablet computer he is holding with both hands. He is in a laboratory or medical setting, with a blurred background showing scientific equipment like a microscope and a computer monitor. The lighting is dim, with a blueish-purple tint.

# Public Health

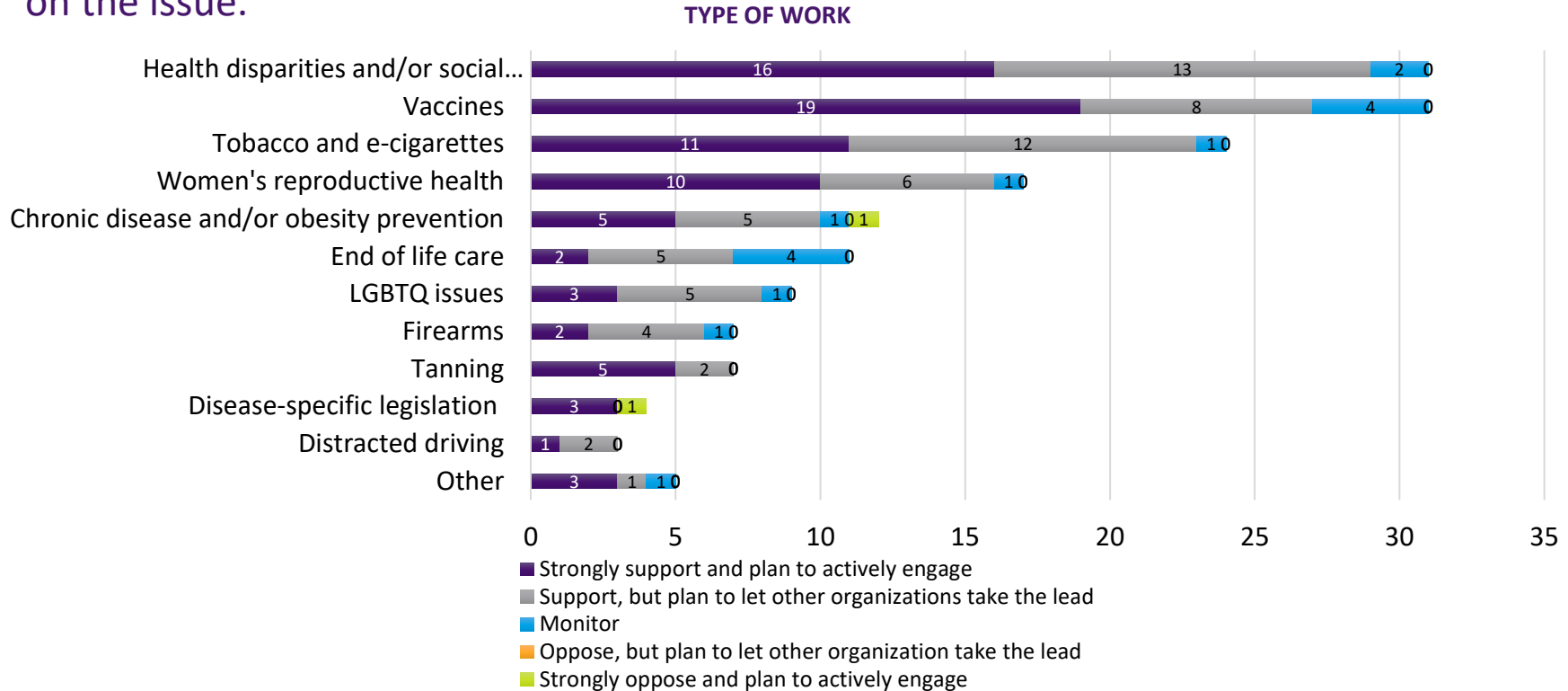
Among respondents who plan to work on public health issues, 31 of the 43 will focus on health disparities and/or social determinants of health and on vaccines.



Q42 - Which of the following public health issues does your association expect to work on in 2021? Select all that apply.

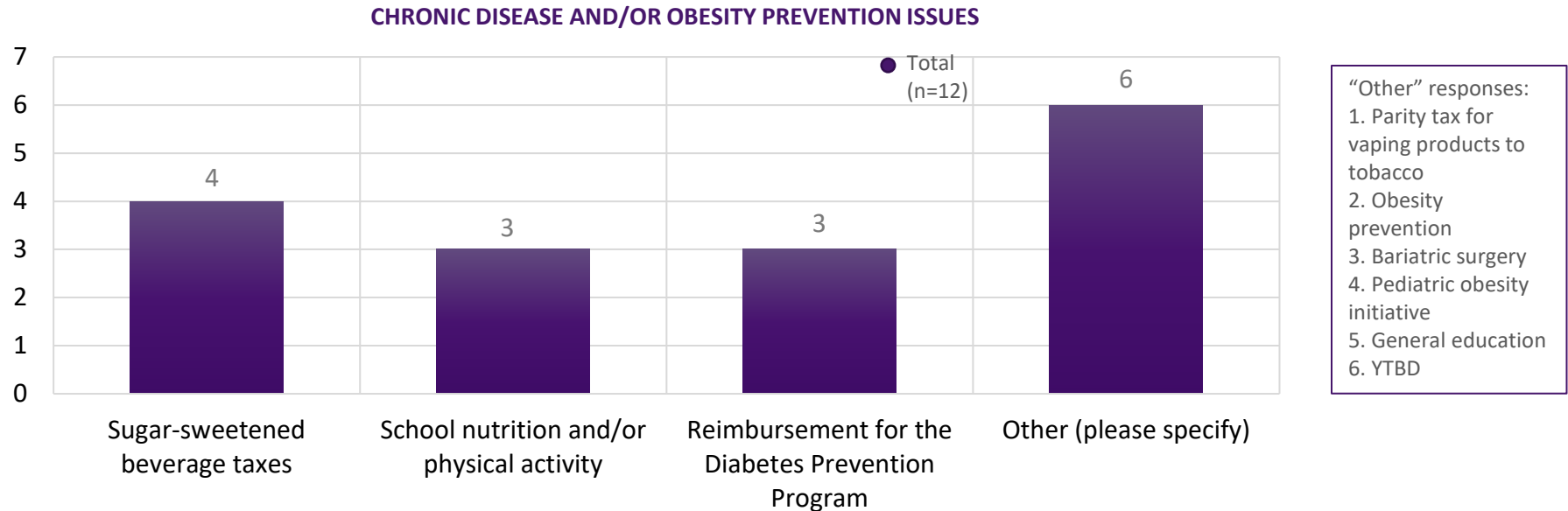


Most respondents planning to work with health disparities and vaccines will either “strongly support and plan to actively engage” or “support, but let other organizations take the lead” on the issue.



Q43 - What type of work does your association plan to undertake on the following public health issues in 2021?

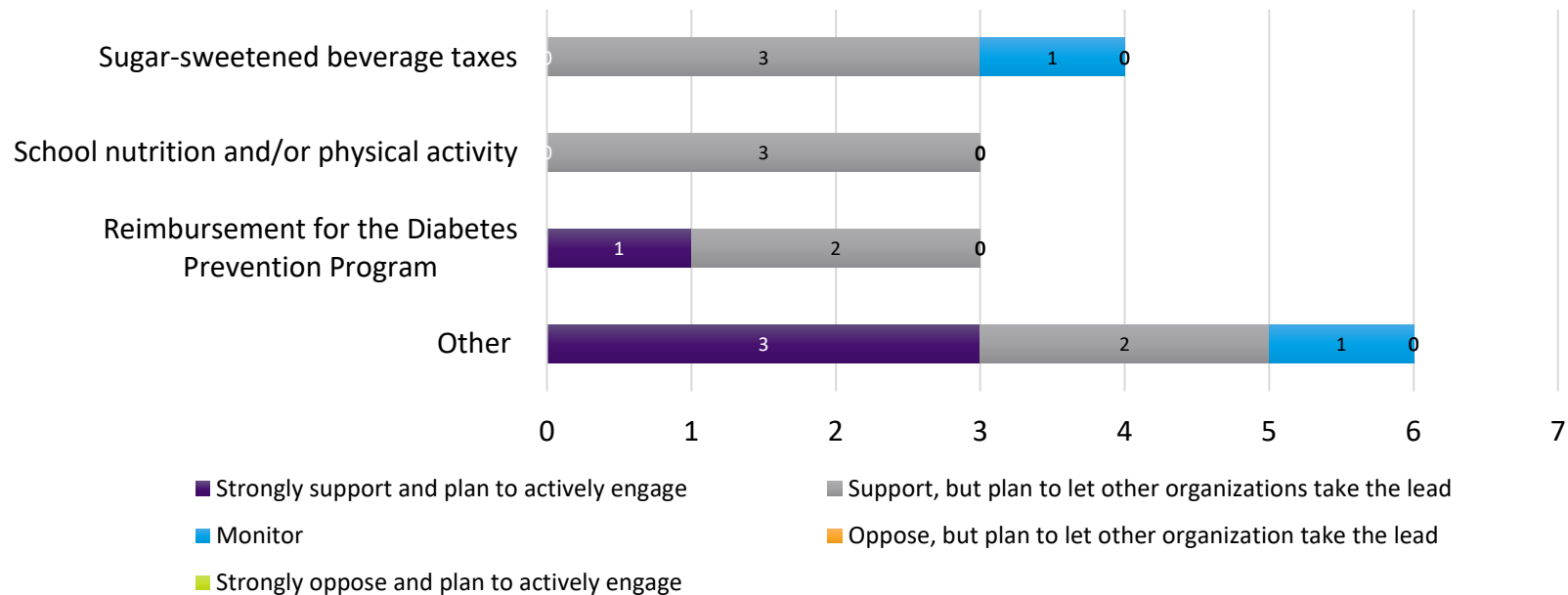
For chronic disease and obesity prevention, 4 of the 12 respondents working in this area will focus on sugar-sweetened beverage taxes.



Q44 - Which of the following chronic disease and/or obesity prevention issues does your association expect to work on in 2021? Select all that apply.

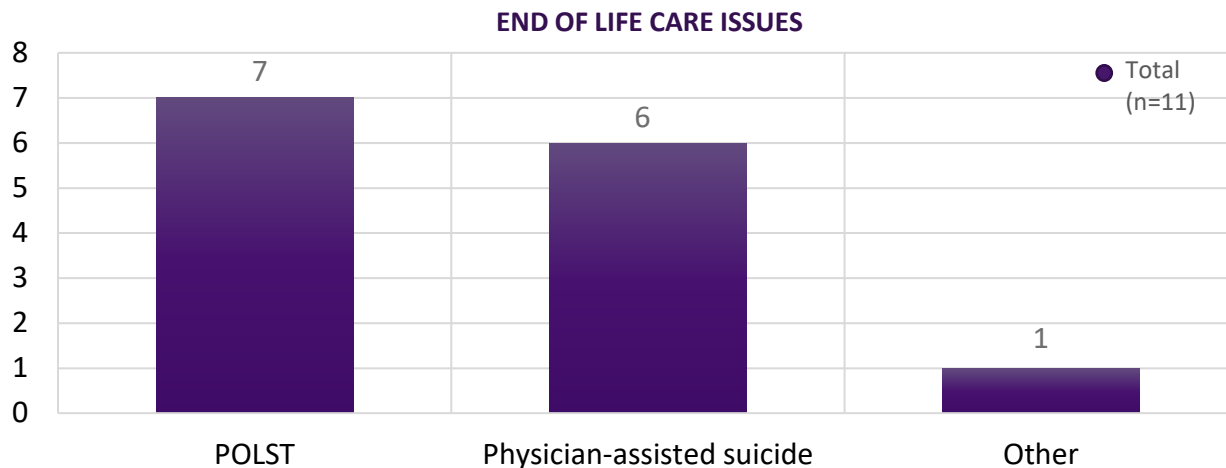
Most respondents planning to work on sugar-sweetened beverage taxes will “support, but plan to let other organizations take the lead” on the issue.

#### TYPE OF WORK



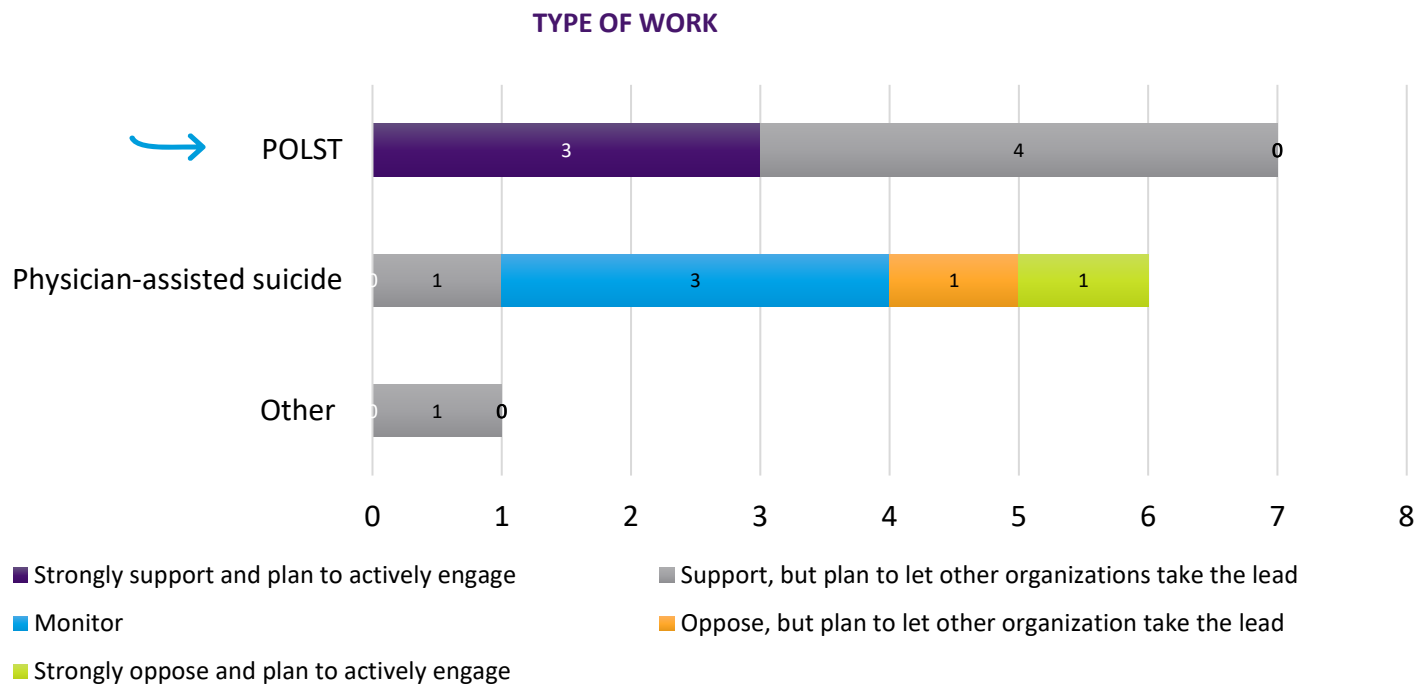
Q45 - What type of work does your association plan to undertake on the following chronic disease and/or obesity prevention issues in 2021?

For end of life care issues, 7 of the 11 respondents planning to work in this area will focus on POLST.



Q46 - Which of the following end of life care issues does your association expect to work on in 2021? Select all that apply.

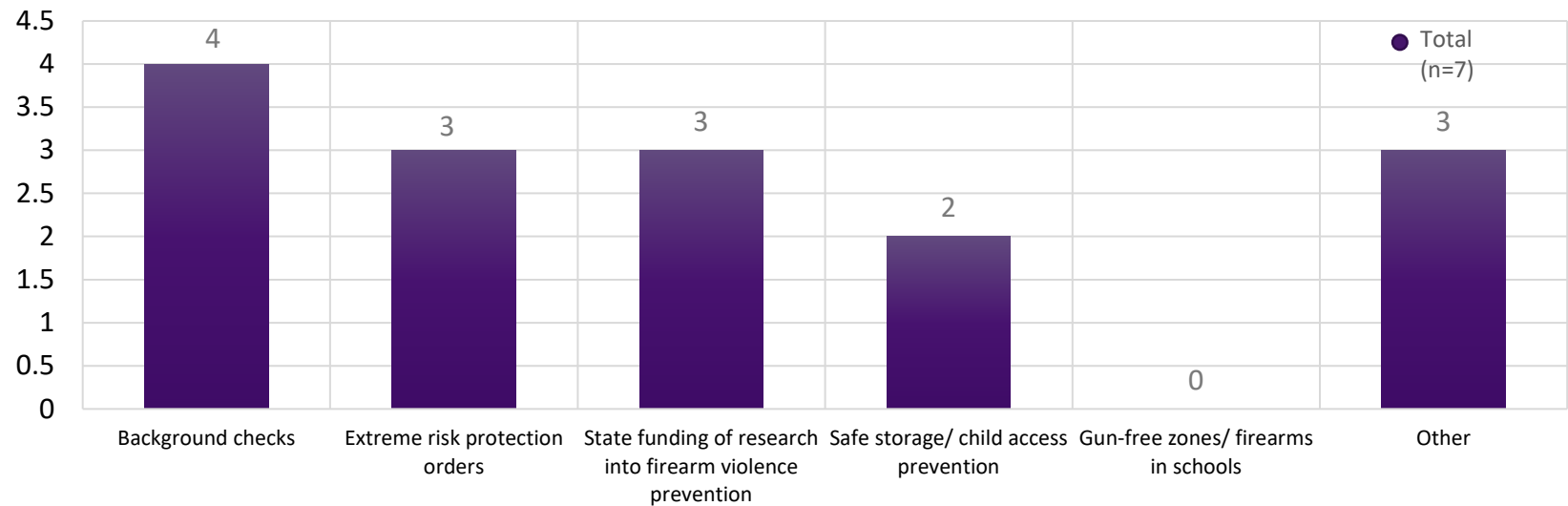
Respondents planning to work on POLST will either “strongly support and plan to actively engage” or “support, but plan to let other organizations take the lead”.



Q47 - What type of work does your association plan to undertake on the following end of life care issues in 2021?

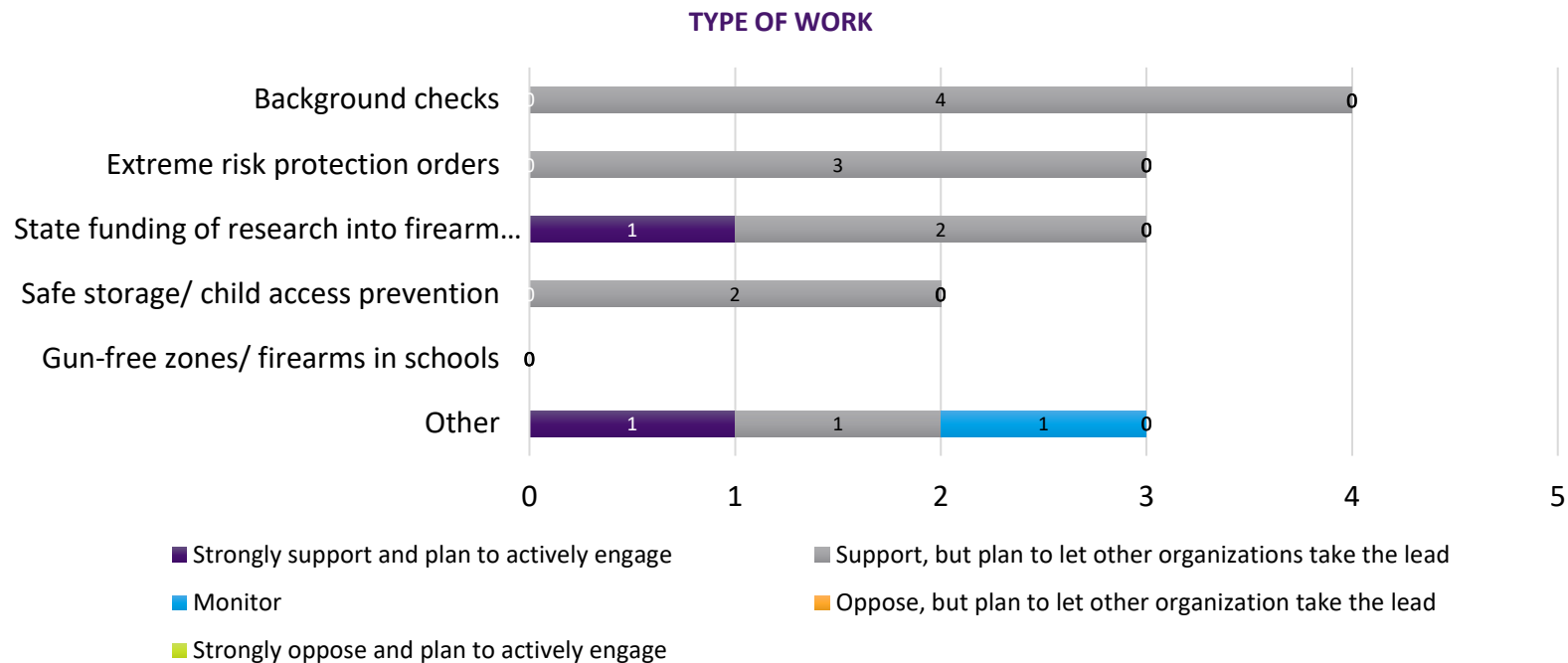
For firearm issues, 4 of the 7 respondents planning to work in this area will focus on background checks.

FIREARM ISSUES



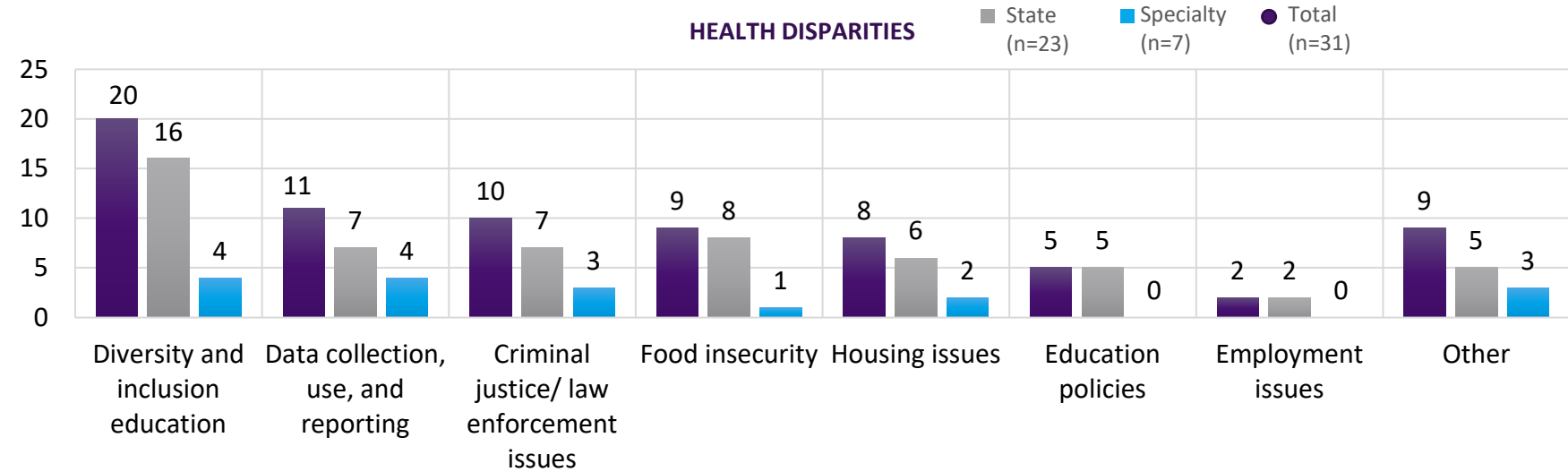
Q48 - Which of the following firearm issues does your association expect to work on in 2021? Select all that apply.

## All respondents planning to work on background checks will “support, but plan to let other organizations take the lead.”



Q49 - What type of work does your association plan to undertake on the following firearm issues in 2021?

For health disparities and/ or social determinants of health issues, 20 of the 31 respondents planning to work in this area will focus on diversity and inclusion education.



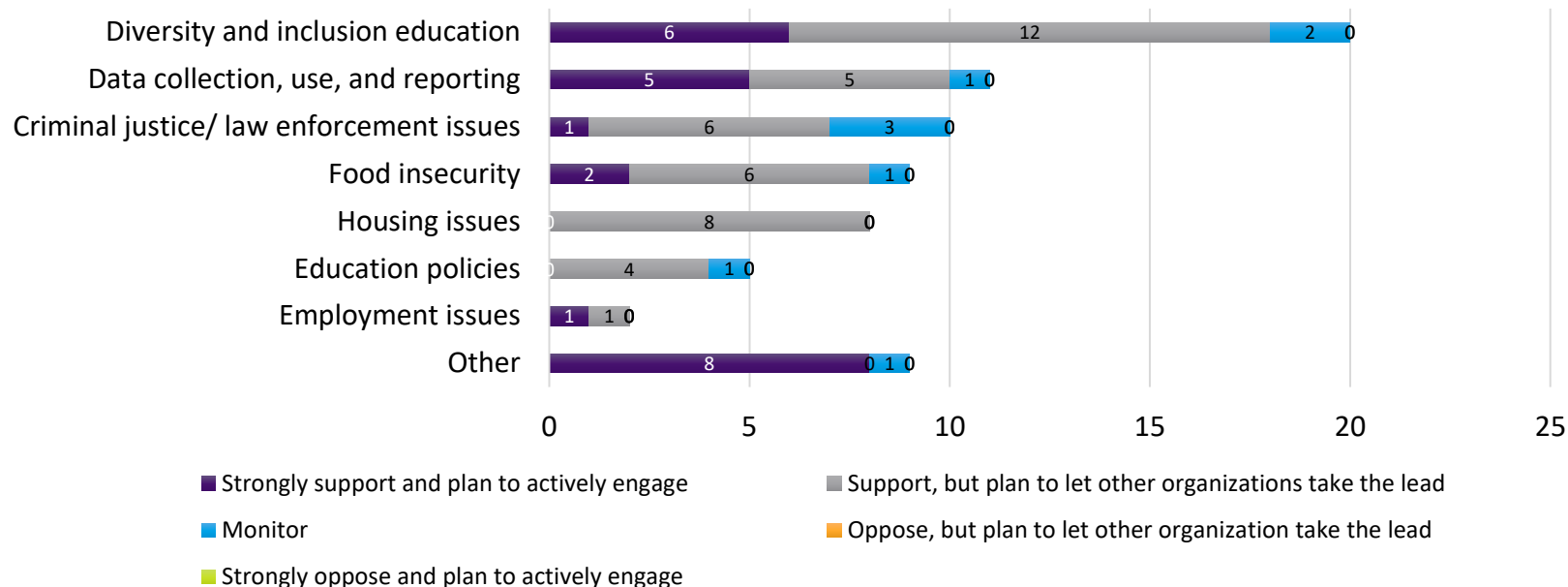
Q91 - Which of the following health disparities and/or social determinants of health issues does your association expect to work on in 2021? Select all that apply.





Most respondents planning to work on diversity and inclusion education will “support, but plan to let other organizations take the lead” on the issue.

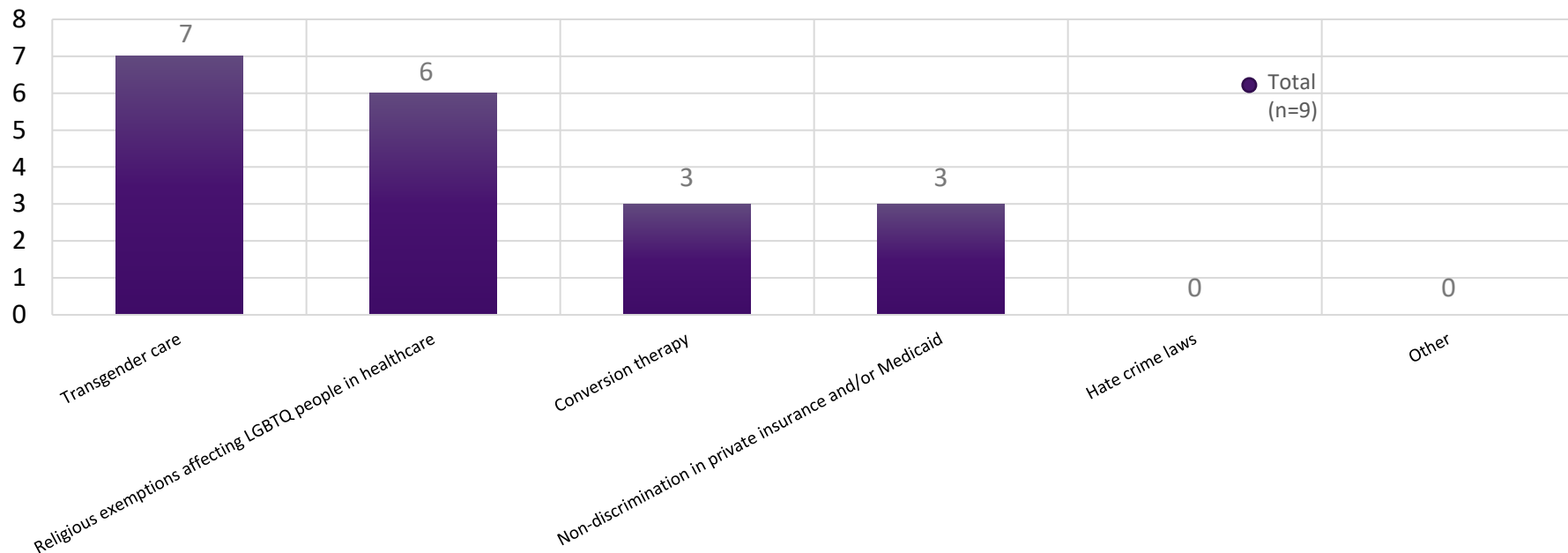
#### TYPE OF WORK



Q95 - What type of work does your association plan to undertake on the following health disparities and/or social determinants of health issues in 2021?

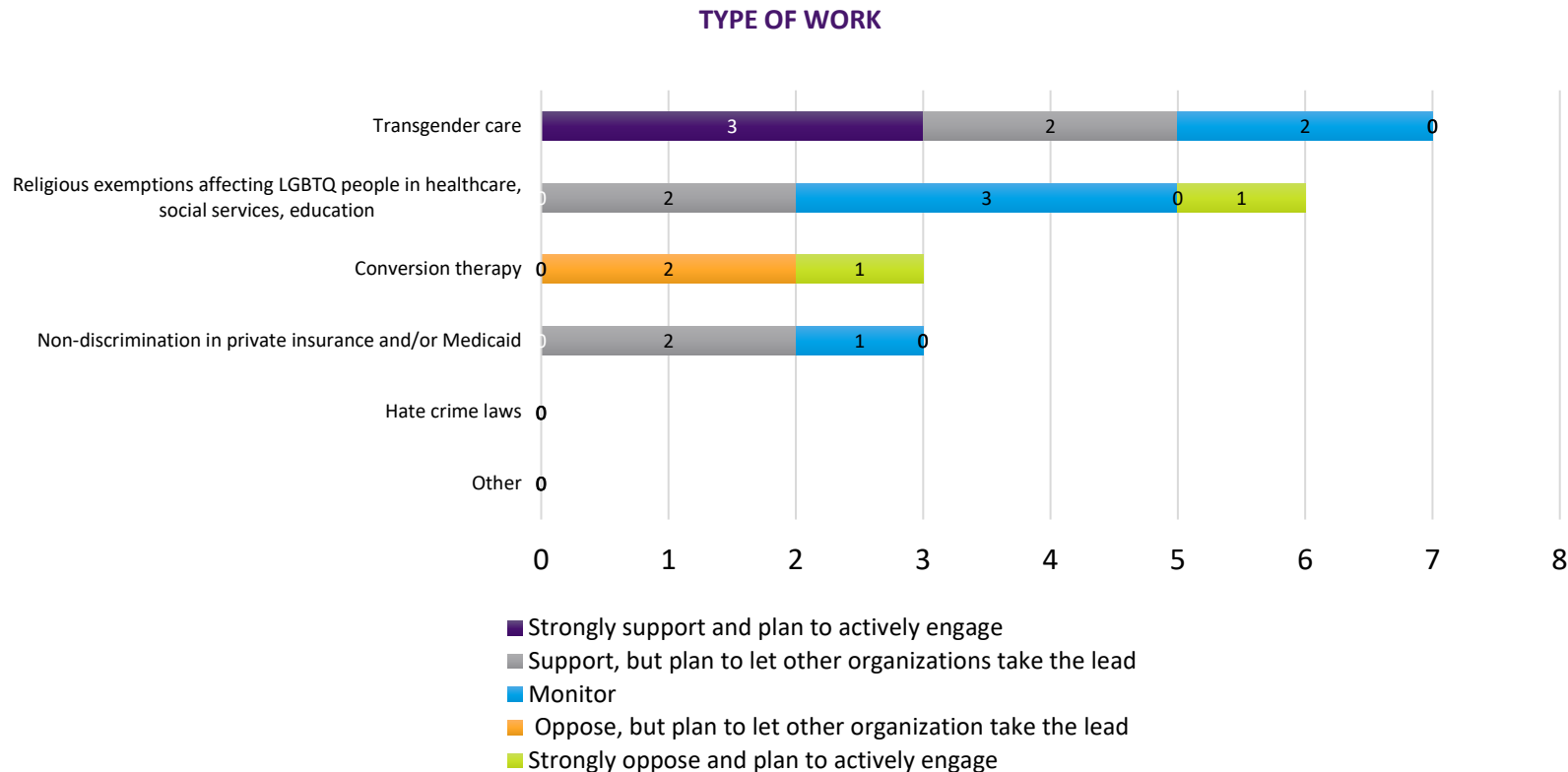
For LGBTQ issues, 7 of the 9 respondents planning to work in this area will focus on transgender care.

#### LGBTQ ISSUES



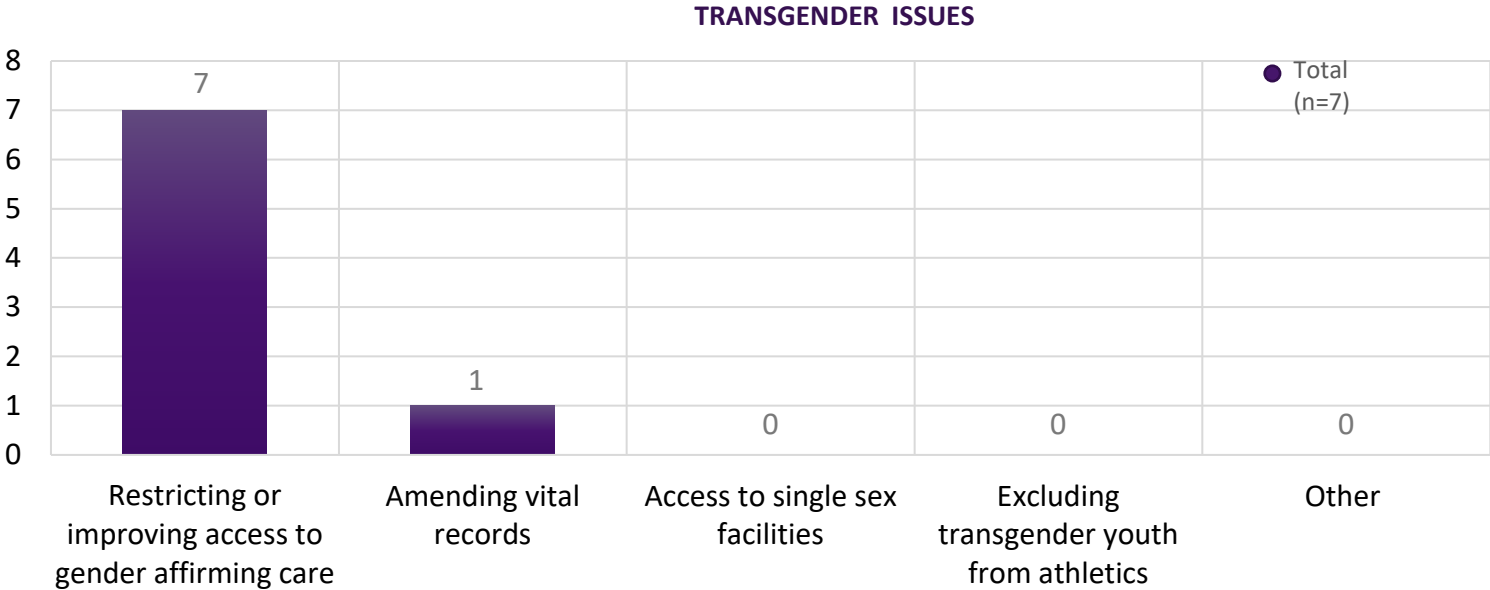
Q50 - Which of the following LGBTQ issues does your association expect to work on in 2021? Select all that apply.

## Respondents who will focus on transgender care say they will “strongly support and plan to actively engage,” “support but plan to let other organizations lead” or “monitor.”



Q51 - What type of work does your association plan to undertake on the following LGBTQ issues in 2021?

For transgender issues, all respondents planning to work in this area (7 of 7) will focus on restricting or improving access to gender affirming care.



Q52 - Which of the following Transgender care issues does your association expect to work on in 2021? Select all that apply.

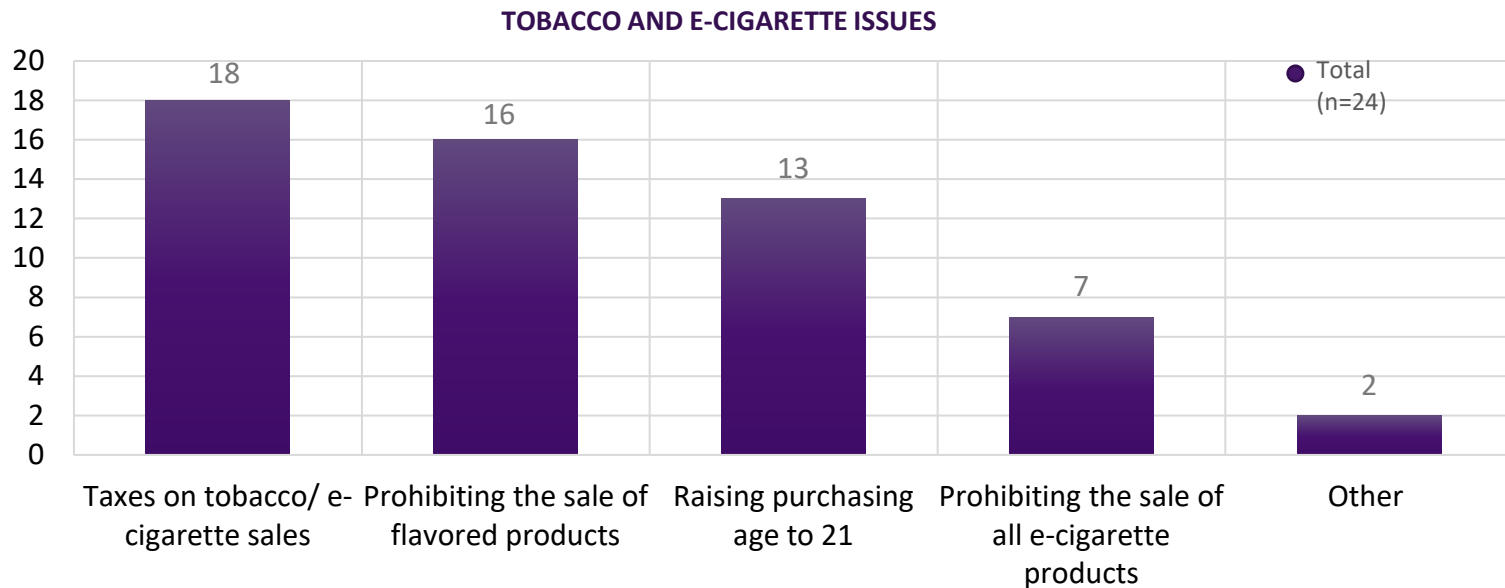
Almost half of those planning to work in gender affirming care (3 of 7) will “strongly support and plan to actively engage.”

TYPE OF WORK



Q94 - What type of work does your association plan to undertake on the following Transgender care issues in 2021?

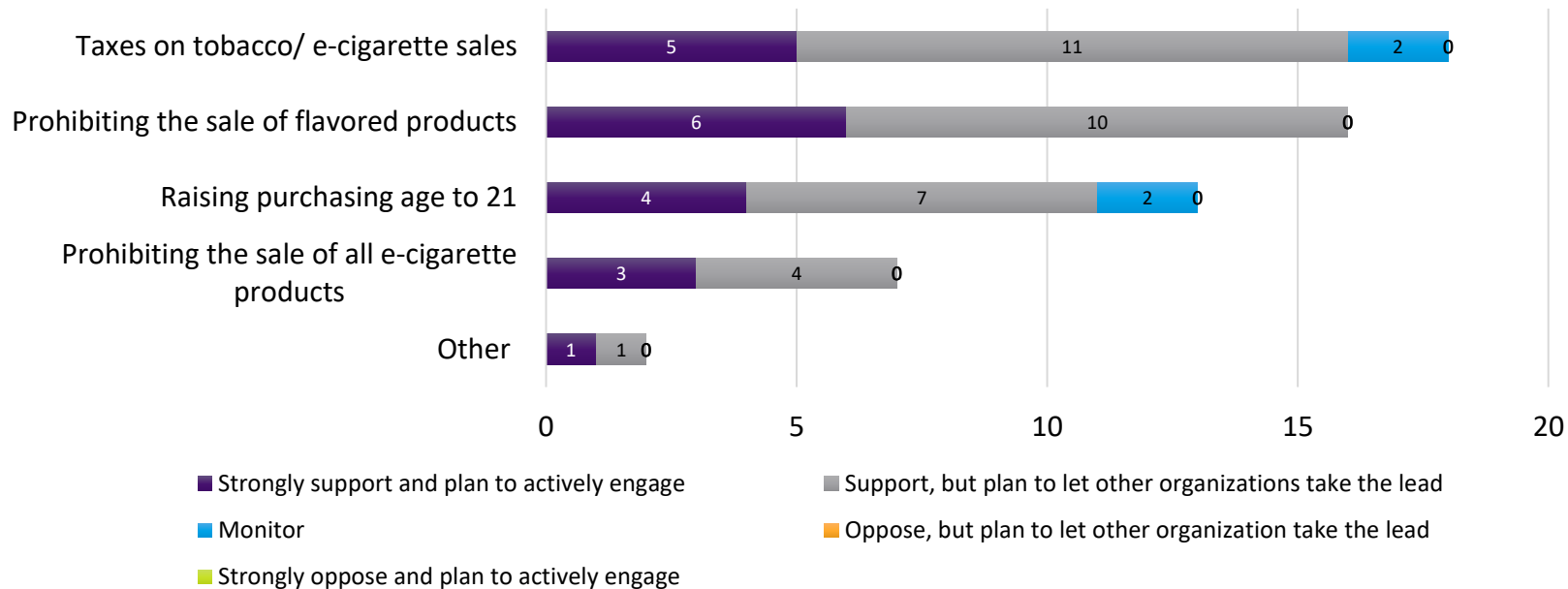
For tobacco and e-cigarette issues, 18 of the 24 respondents planning to work in this area will focus on taxes on tobacco / e-cigarette sales.



Q53 Which of the following tobacco and e-cigarette issues does your association expect to work on in 2021? Select all that apply.

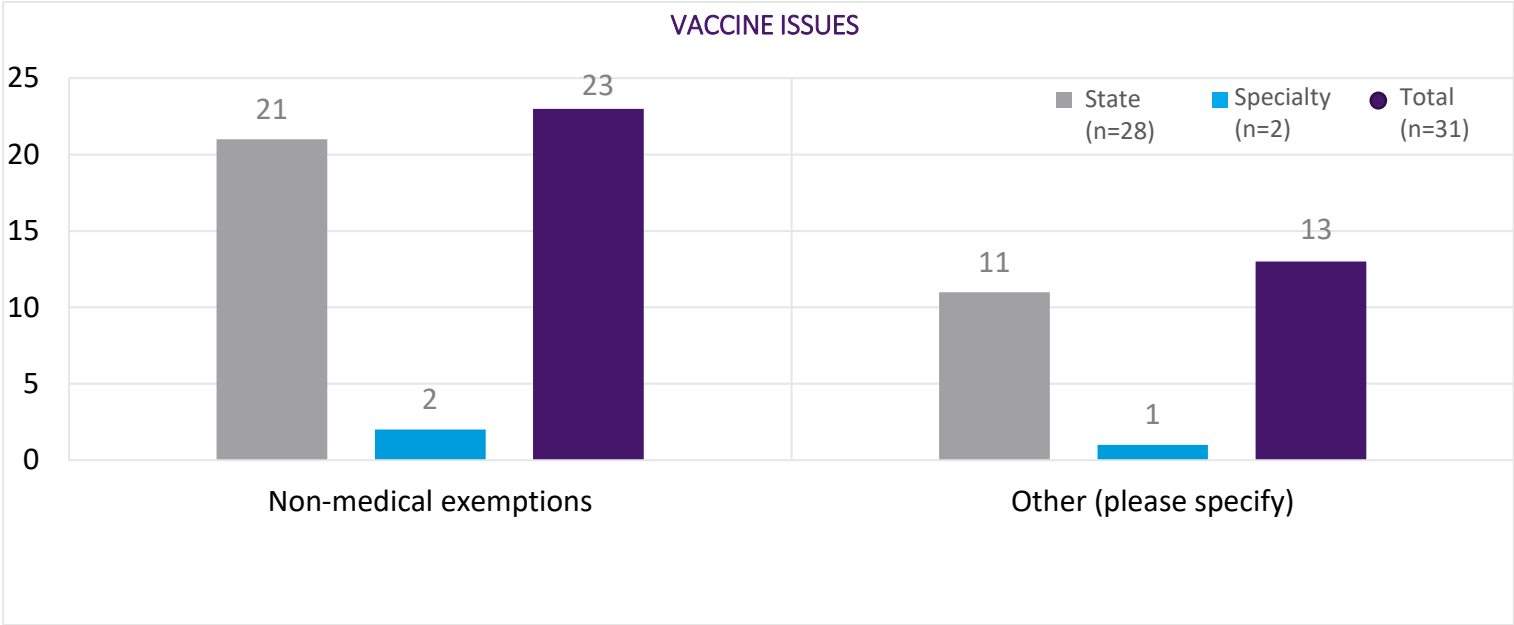
## Respondents planning to work on taxes on tobacco/ e-cigarette sales will mostly “support, but plan to let other organizations take the lead.”

TYPE OF WORK



Q54 - What type of work does your association plan to undertake on the following tobacco and e-cigarette issues in 2021?

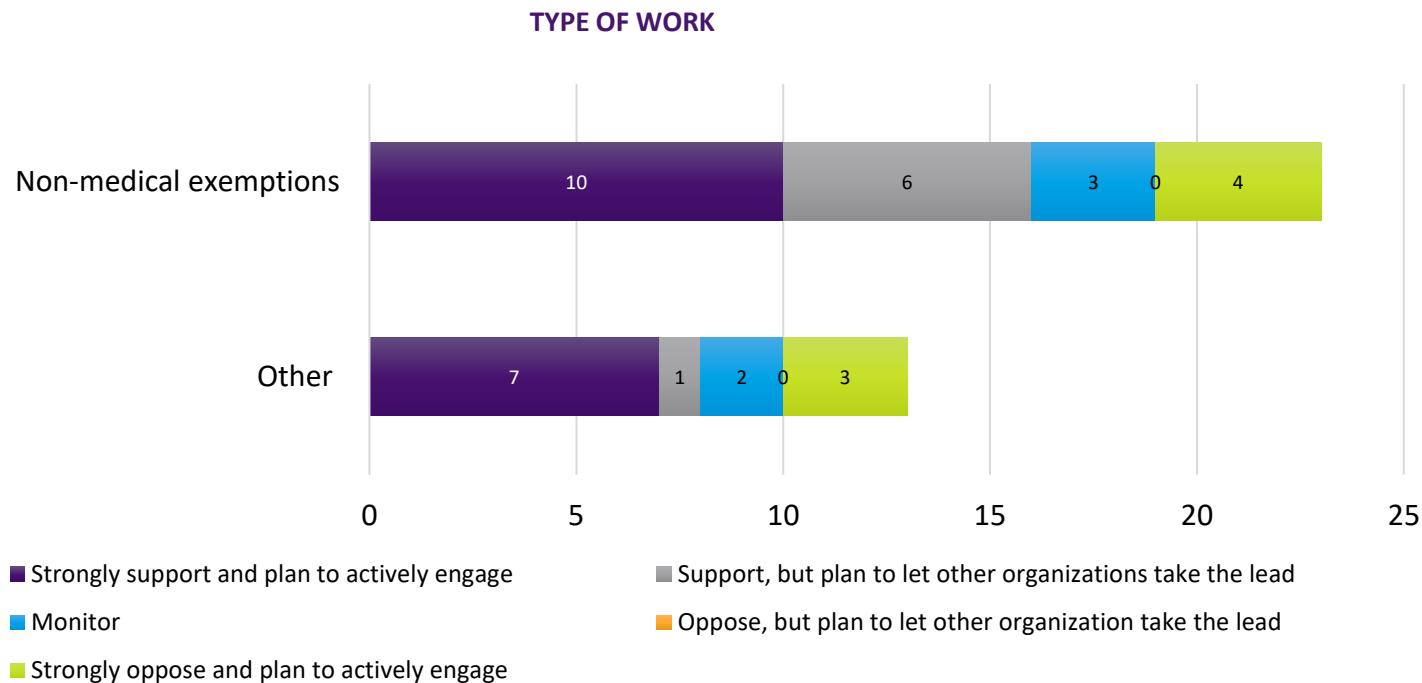
For vaccine issues, 23 of the 31 respondents planning to work in this area will focus on non-medical exemptions.



Q55 - Which of the following vaccine issues does your association expect to work on in 2021? Select all that apply.

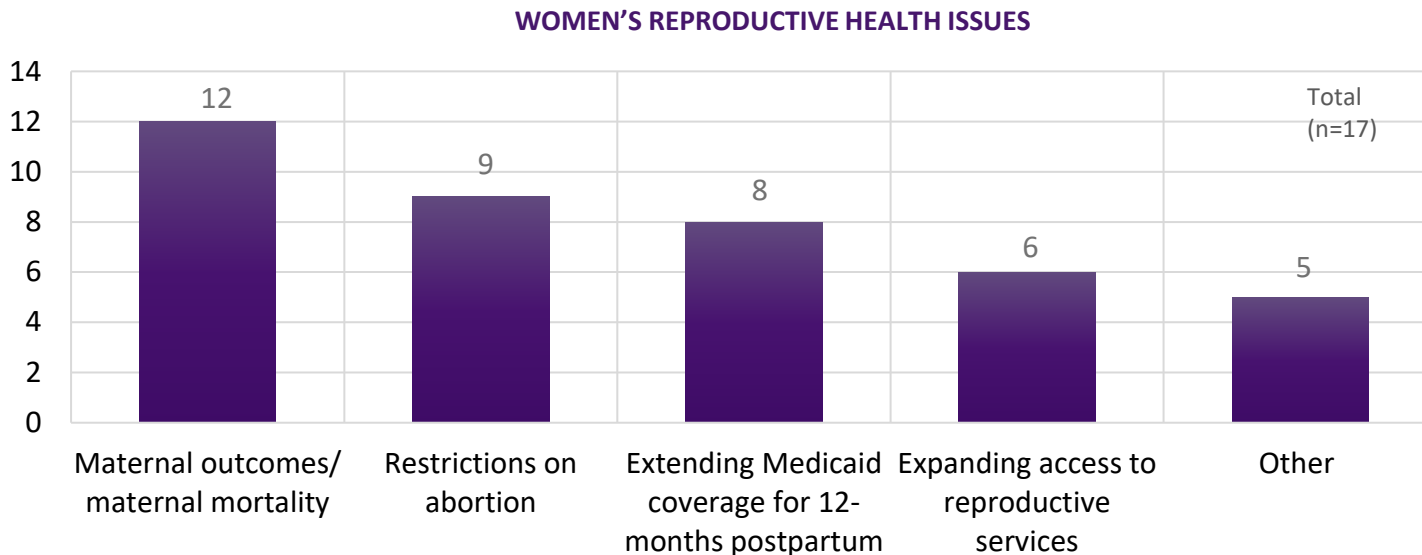


Most respondents planning to work on non-medical exemptions will “strongly support and plan to actively engage.”



Q56 - What type of work does your association plan to undertake on the following vaccine issues in 2021?

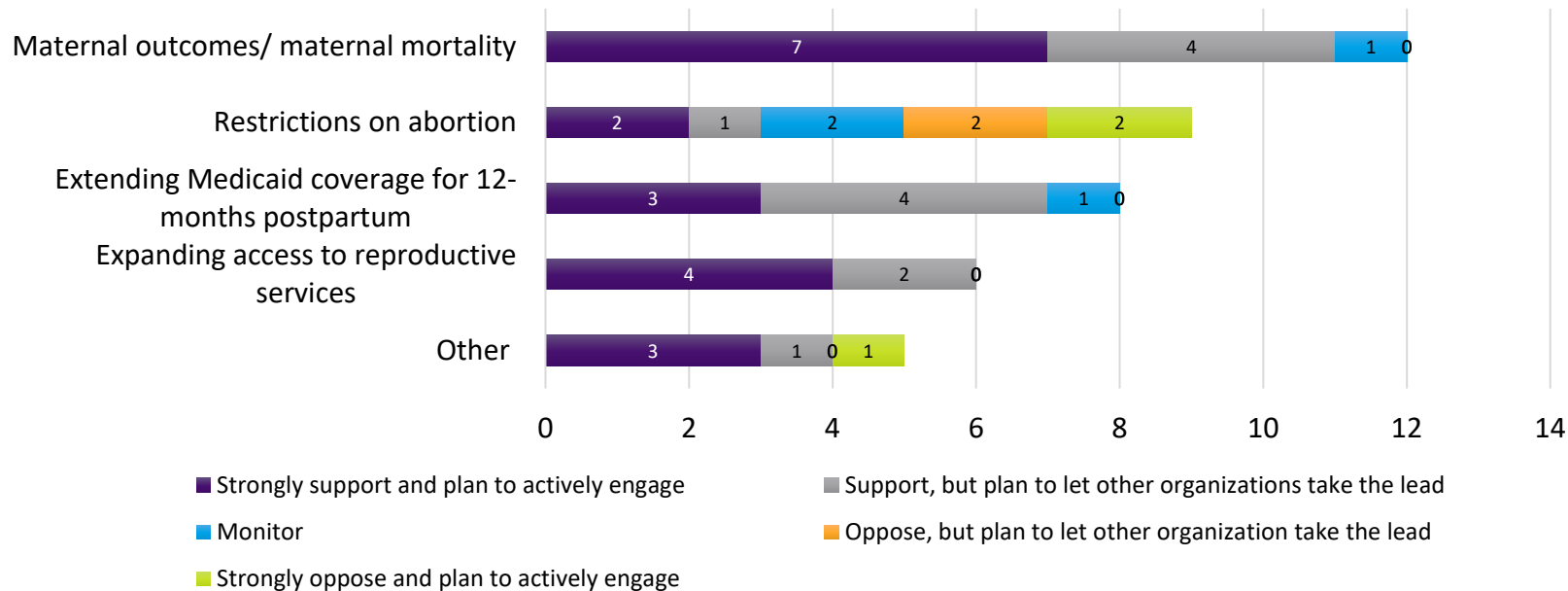
For women's reproductive health issues, 12 of the 17 respondents planning to work in this area will focus on maternal outcomes/maternal mortality.



Q57 - Which of the following women's reproductive health issues does your association expect to work on in 2021? Select all that apply.

## Most respondents who plan to focus on maternal outcomes/maternal mortality will “strongly support and plan to actively engage.”

### TYPE OF WORK



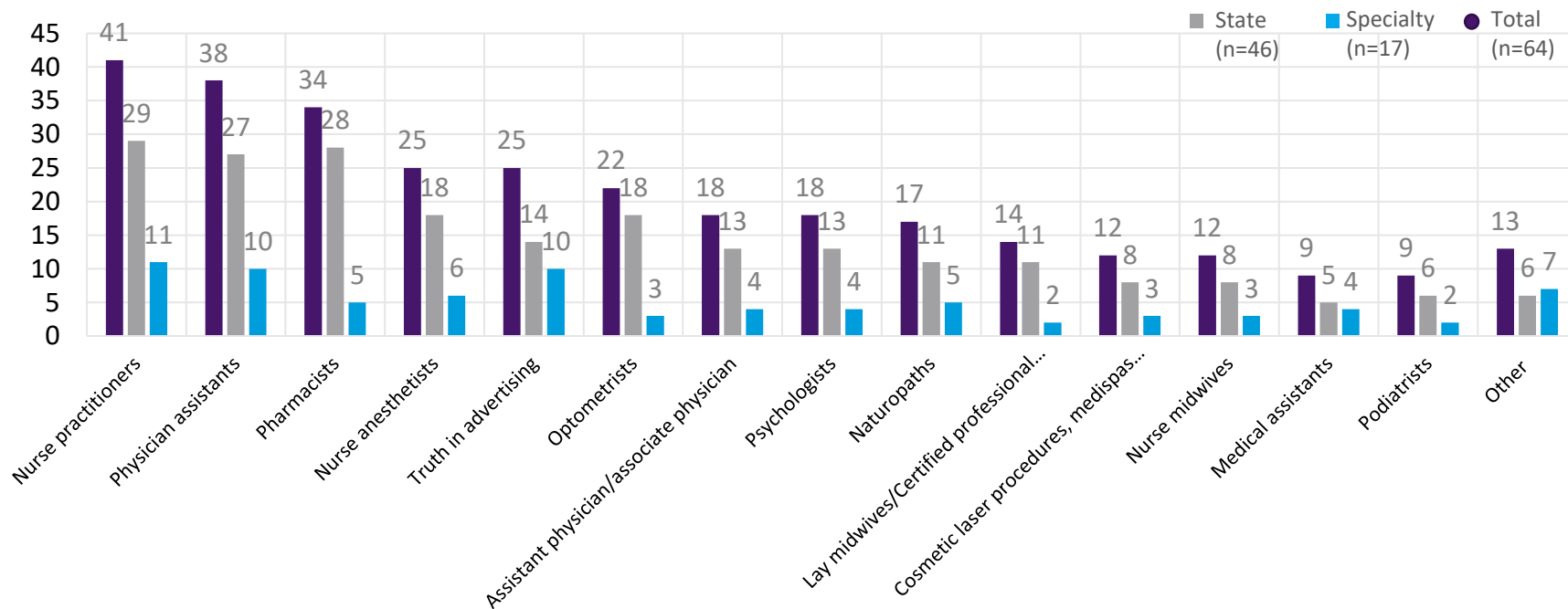
Q58 - What type of work does your association plan to undertake on the following women's reproductive health issues in 2021?



# Scope of Practice

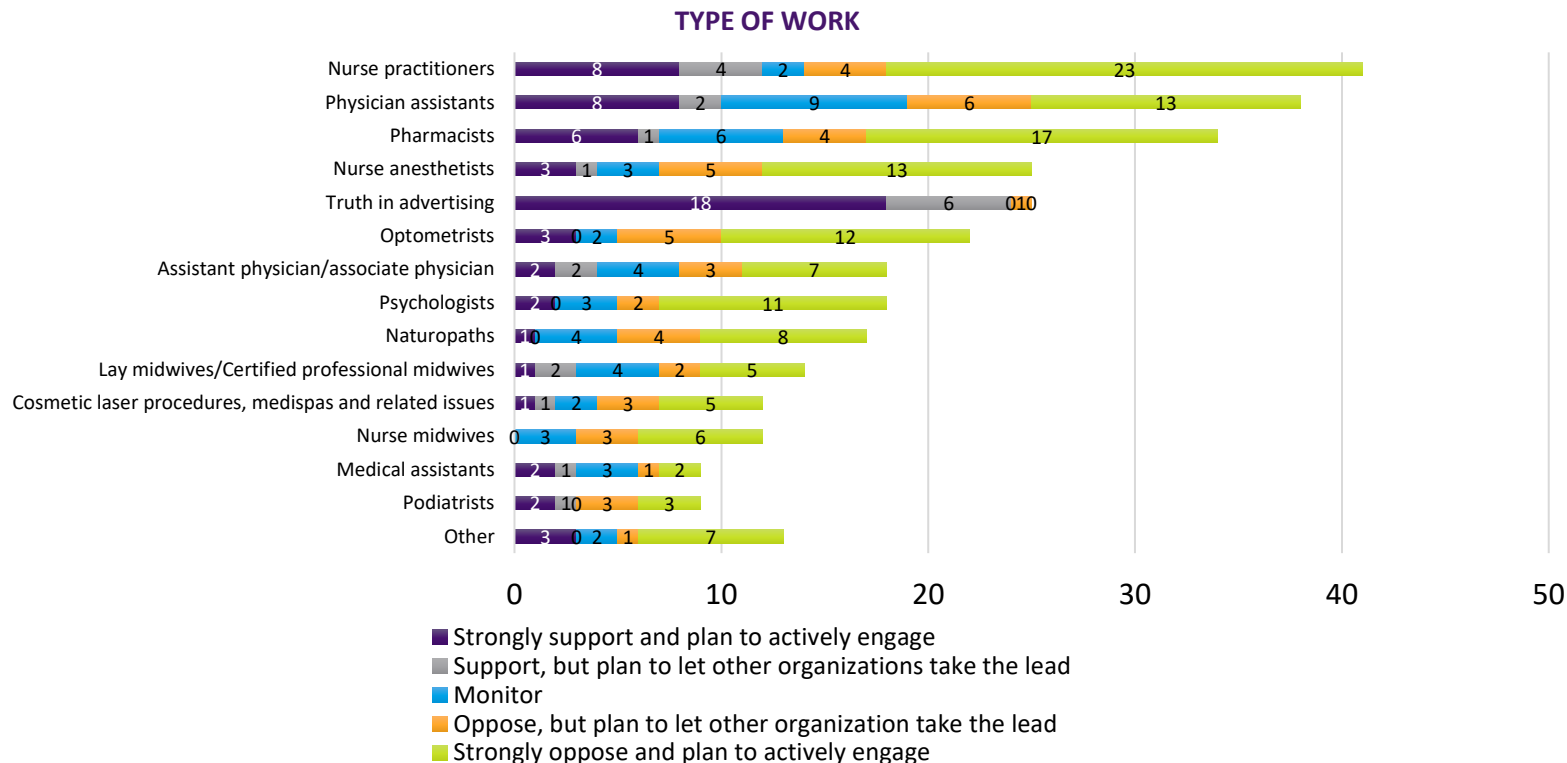
Among the 64 respondents planning to work on scope of practice issues, 41 anticipate activity related to nurse practitioners, while 38 anticipate activity related to physician assistants.

### SCOPE OF PRACTICE ISSUES



Q59 - Which of the following scope of practice issues does your association expect to work on in 2021? Select all that apply.

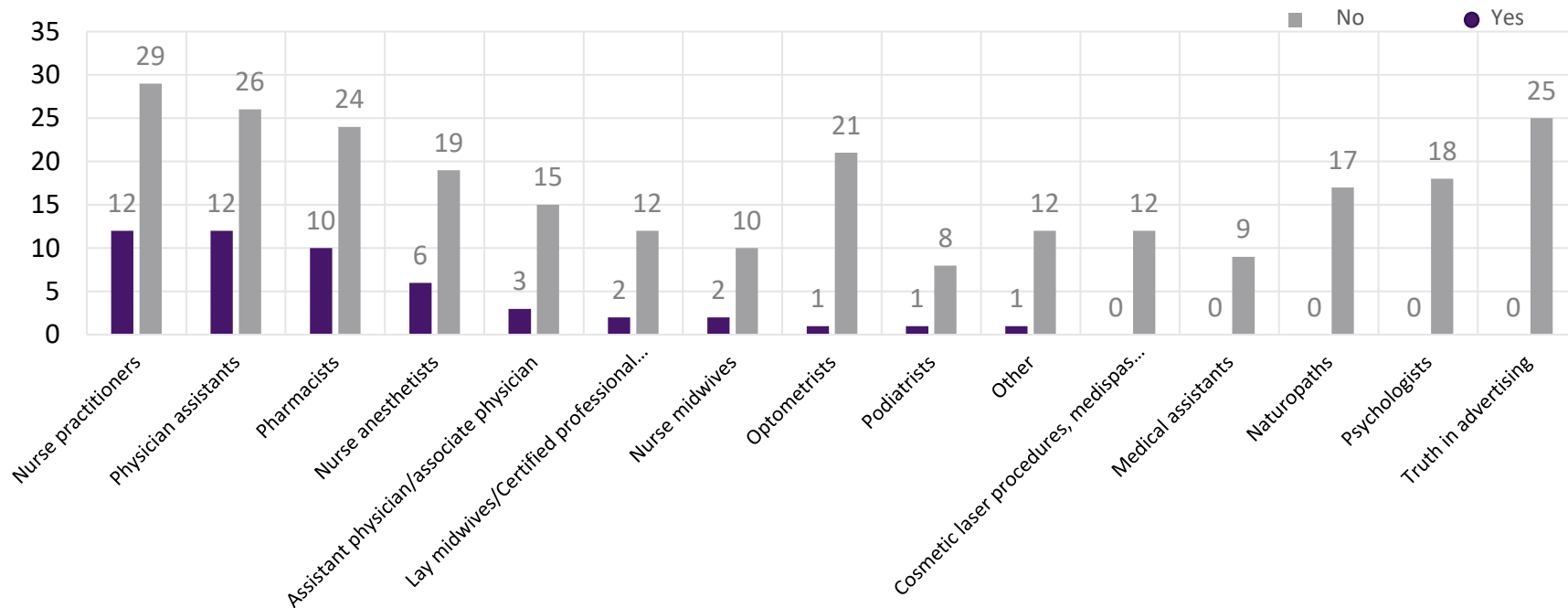
# Most of those who plan to focus on physician assistants and nurse practitioners will “strongly oppose and plan to actively engage.”



Q60 - What type of work does your association plan to undertake on the following scope of practice issues in 2021?

The majority of respondents focusing on scope of practice say proposed legislation for those issues does not require a PHE waiver.

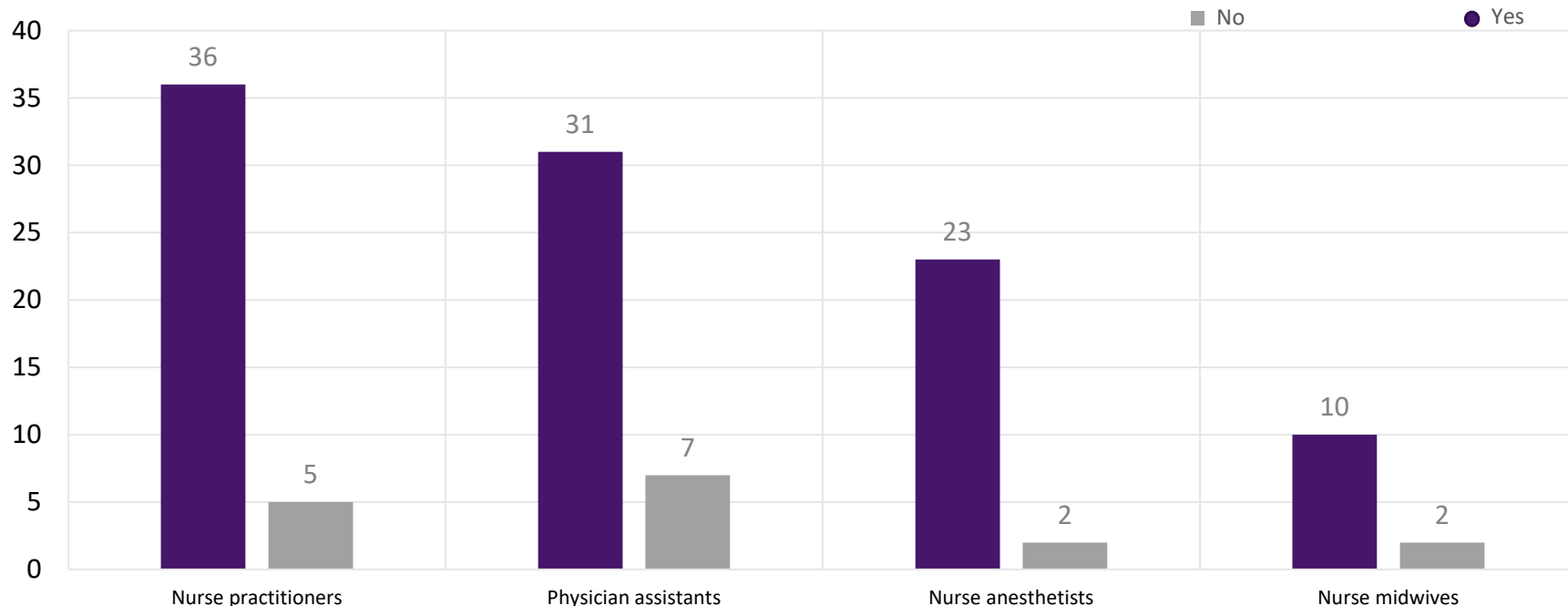
### SCOPE OF PRACTICE ISSUES



Q61 - Is proposed legislation based on a PHE waiver?

Among those who plan to work on scope of practice issues related to nurse practitioners, physician assistants, nurse anesthetists and nurse midwives, the majority anticipate that legislation will remove or weaken physician supervision/collaboration.

#### LEGISLATION TO REMOVE OR WEAKEN PHYSICIAN SUPERVISION/ COLLABORATION

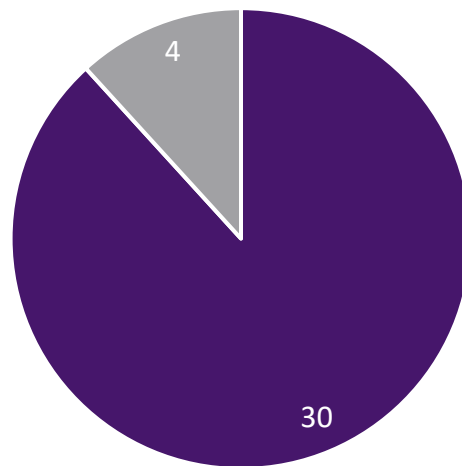


Q62 - Do you anticipate legislation to remove or weaken physician supervision/collaboration?



Among those who plan to work on scope of practice issues related to pharmacists, the majority of respondents anticipate legislation related to the administering of vaccines.

#### ANTICIPATE LEGISLATION RELATED TO PHARMACISTS ADMINISTERING VACCINES

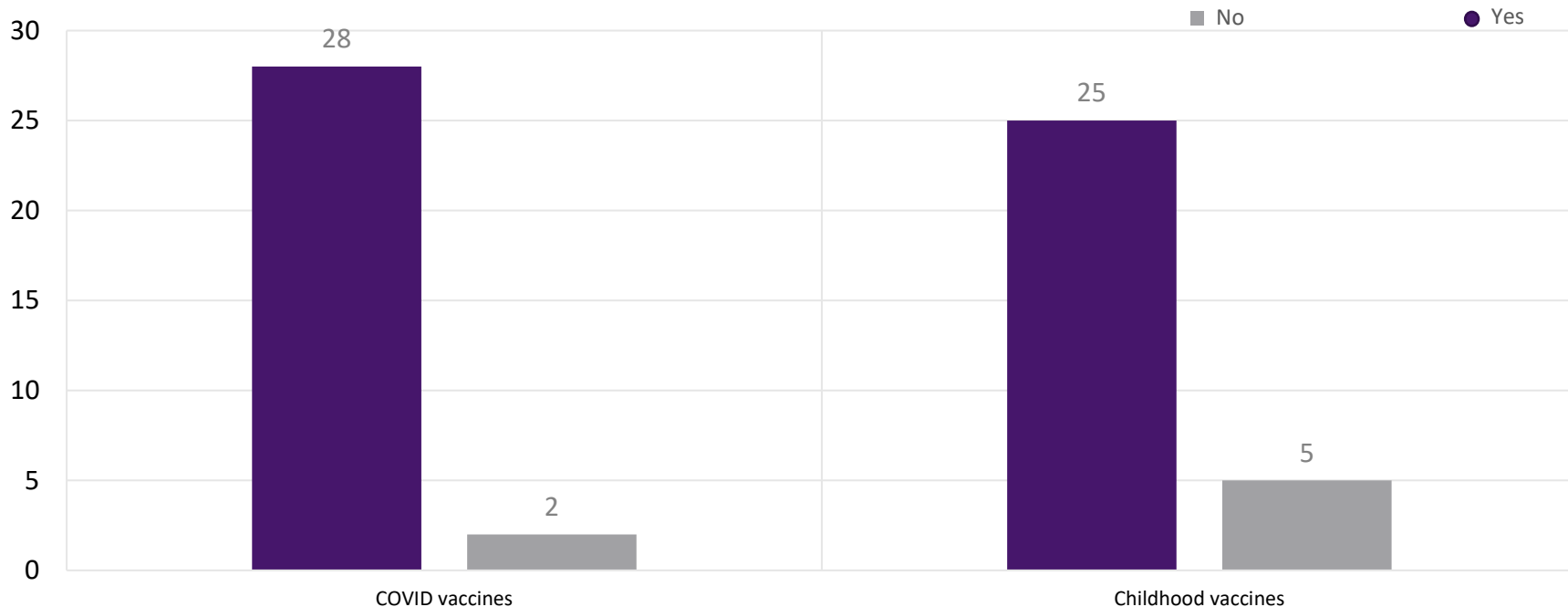


■ Yes ■ No

Q63 - Do you anticipate legislation related to pharmacists administering vaccines?

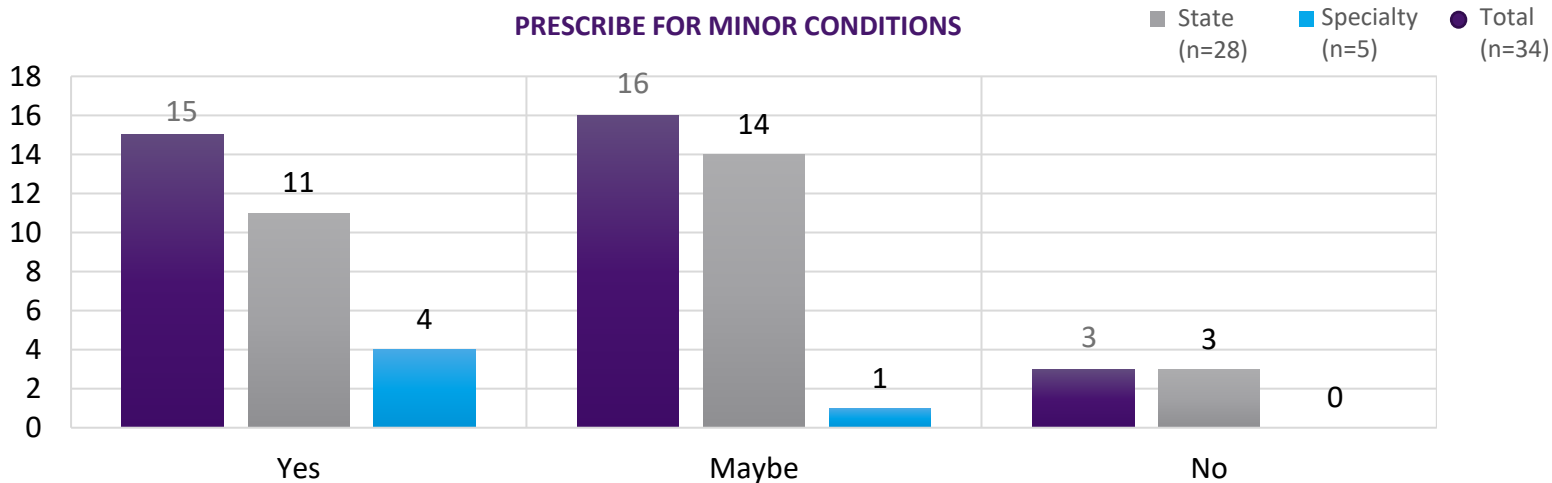
Among the 30 respondents who anticipate legislation related to pharmacists administering vaccines, most anticipate legislation on both COVID and childhood vaccines.

### VACCINES



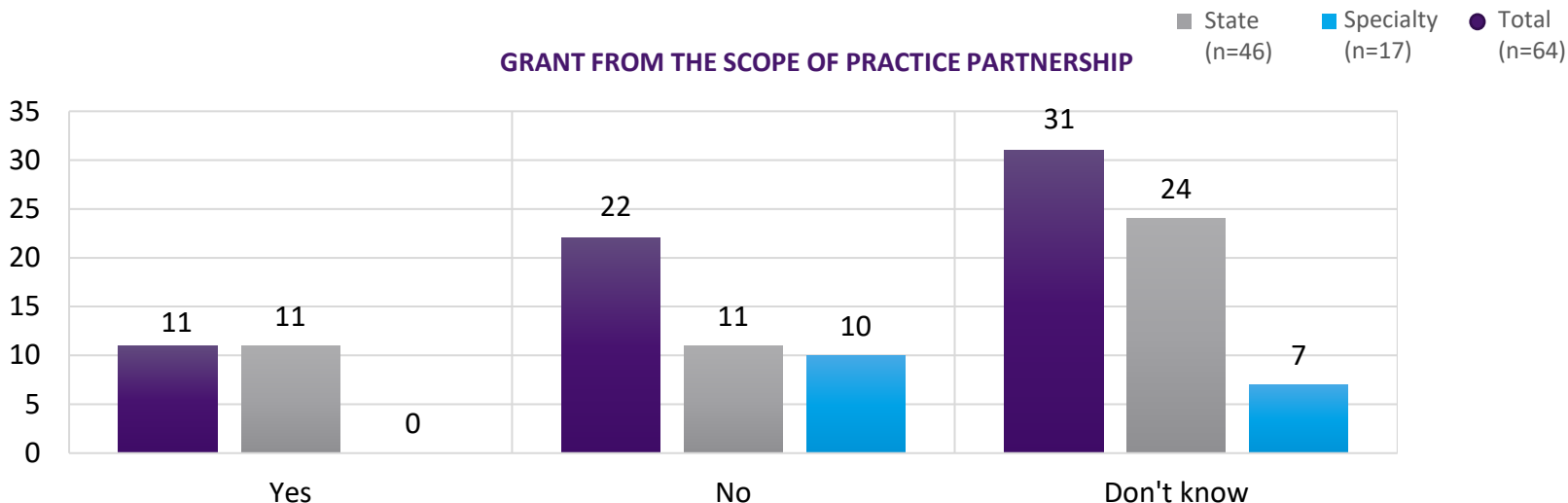
Q92 - Which vaccines do you anticipate legislation related to pharmacists?

Among those who plan to work on scope of practice issues related to pharmacists, 15 of the 34 respondents said they anticipate legislation allowing pharmacists to prescribe for minor conditions.



Q64 - Do you anticipate legislation allowing pharmacists to prescribe for minor conditions?

Among the 64 respondents planning to work on scope of practice issues, almost half (31) do not know if they will seek a grant from the Scope of Practice Partnership.



Q65 - Do you anticipate seeking a grant from the Scope of Practice Partnership in 2021?

For additional information or advocacy assistance in your state,  
please view the [ARC staff directory](#)  
or contact the Advocacy Resource Center at  
[ARC@ama-assn.org](mailto:ARC@ama-assn.org).

