2022 State Legislative Preview
Survey Results

AMA Advocacy Resource Center
January 2022
About the AMA Advocacy Resource Center

• At the state level, the AMA helps shape the policy of influential national policymaking organizations, partners with outside experts and stakeholder groups and helps influence 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 policymakers 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 2022 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.

   *A detailed survey report will be distributed in January 2022*
Overview of Study Design

- **Methodology**: An online survey was distributed to representatives of state and national medical specialty associations from November 8, 2021 - November 30, 2021 using the Qualtrics survey platform.

- **Sample size**: The 72 respondents are broken out by organization as follows:

<table>
<thead>
<tr>
<th></th>
<th>Total association respondents</th>
<th>State medical association respondents</th>
<th>National medical specialty and national medical associations</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>72</td>
<td>51</td>
<td>21</td>
</tr>
</tbody>
</table>
Which of the following legislative or regulatory issues does your association expect to work on in 2022?

Number of respondents

- Scope of practice: 61
- Private health insurance: 50
- Public health: 46
- Digital health: 45
- Medicaid: 44
- COVID-19 issues: 43
- Physician workforce: 42
- Opioid and drug overdose: 34
- Pharmaceutical issues: 31
- Medical licensure issues: 29
- Antitrust and competition: 28
- Physician wellness: 28
- Medical liability reform: 25
- Business of medicine: 22
- Data/EHR issues: 21
- Other: 12
## Top Priorities by Type of Association

<table>
<thead>
<tr>
<th></th>
<th>Total respondents (n=72)</th>
<th>State medical associations (n=51)</th>
<th>National medical specialty and national medical associations (n=21)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scope of practice</td>
<td>61 (84.7%)</td>
<td>44 (86.3%)</td>
<td>17 (81.0%)</td>
</tr>
<tr>
<td>Private health insurance practices</td>
<td>50 (69.4%)</td>
<td>34 (66.7%)</td>
<td>16 (76.2%)</td>
</tr>
<tr>
<td>Public health</td>
<td>46 (63.9%)</td>
<td>36 (70.6%)</td>
<td>10 (47.6%)</td>
</tr>
<tr>
<td>Digital health</td>
<td>45 (62.5%)</td>
<td>30 (58.8%)</td>
<td>15 (71.4%)</td>
</tr>
<tr>
<td>Medicaid</td>
<td>44 (61.1%)</td>
<td>32 (62.7%)</td>
<td>12 (57.1%)</td>
</tr>
<tr>
<td>COVID-19 issues</td>
<td>43 (59.7%)</td>
<td>32 (62.7%)</td>
<td>11 (52.4%)</td>
</tr>
<tr>
<td>Physician workforce</td>
<td>42 (58.3%)</td>
<td>30 (58.8%)</td>
<td>12 (57.1%)</td>
</tr>
<tr>
<td>Opioid and drug overdose epidemic issues</td>
<td>34 (47.2%)</td>
<td>24 (47.1%)</td>
<td>10 (47.6%)</td>
</tr>
<tr>
<td>Pharmaceutical issues</td>
<td>31 (43.1%)</td>
<td>24 (47.1%)</td>
<td>7 (33.3%)</td>
</tr>
<tr>
<td>Medical licensure issues</td>
<td>29 (40.3%)</td>
<td>22 (43.1%)</td>
<td>7 (33.3%)</td>
</tr>
<tr>
<td>Antitrust and competition</td>
<td>28 (38.9%)</td>
<td>20 (39.2%)</td>
<td>8 (38.1%)</td>
</tr>
<tr>
<td>Physician wellness</td>
<td>28 (38.9%)</td>
<td>22 (43.1%)</td>
<td>6 (28.6%)</td>
</tr>
<tr>
<td>Medical liability reform</td>
<td>25 (34.7%)</td>
<td>15 (29.4%)</td>
<td>10 (47.6%)</td>
</tr>
<tr>
<td>Other</td>
<td>22 (30.6%)</td>
<td>10 (19.6%)</td>
<td>12 (57.1%)</td>
</tr>
<tr>
<td>Business of medicine</td>
<td>21 (29.2%)</td>
<td>13 (25.5%)</td>
<td>8 (38.1%)</td>
</tr>
<tr>
<td>Data/EHR issues</td>
<td>12 (16.7%)</td>
<td>10 (19.6%)</td>
<td>2 (9.5%)</td>
</tr>
</tbody>
</table>
Which of the following scope of practice issues does your association expect to work on in 2022?

- NPs: 41
- PAS: 38
- Nurse anesthetists: 25
- Truth in advertising: 25
- Optometrists: 23
- Pharmacists: 23
- Naturopaths: 17
- Psychologists: 17
- Lay midwives: 14
- Nurse midwives: 14
- Cosmetic procedures/medispa: 10
- Podiatrists: 9
- Medical assistants: 2
SCOPE OF PRACTICE

Do you anticipate legislation to change the title physician assistant to physician associate?

- Yes: 23
- No: 15

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Do you anticipate legislation to adopt the APRN Compact?
Which of the following private health insurance issues does your association expect to work on in 2022?

- Prior authorization: 43
- Surprise billing: 25
- Network adequacy: 20
- Step therapy: 20
- Benefit managers: 16
- Price transparency: 15
- Retrospective denials: 13
- Health care costs: 13
- Co-pay accumulators: 13
- Credentialing/no cause terminations: 10
- Fair contracting: 10
- Standardization of clinical criteria: 7
- Real-time benefit info: 7
- Public option: 6
Which of the following digital health issues does your association expect to work on in 2022?

- Telehealth: 43
- Augmented intelligence: 5
- Other: 3
Which of the following telehealth issues does your association expect to work on in 2022?

- Payment: 38
- Coverage: 28
- Expansion to include audio-only: 23
- Broadband access/internet connectivity: 18
- Definition of telemedicine or telehealth: 17
- Licensure: 17
- Formation of patient physician relationship: 14
- Prohibiting separate telehealth networks: 12
- Network adequacy: 11
- Other: 4
- Digital literacy: 3
Which of the following public health issues does your association expect to work on in 2022?
Which of the following health equity issues does your association expect to work on in 2022?

- DEI education: 22
- Data collection: 13
- Broadband access: 11
- Food insecurity: 7
- Criminal justice: 6
- Housing issues: 6
- Education policies: 4
- Other: 4
Which of the following LGBTQ issues does your association expect to work on in 2022?

<table>
<thead>
<tr>
<th>Issue</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender affirming care</td>
<td>10</td>
</tr>
<tr>
<td>Non-discrimination in private insurance and/or Medicaid</td>
<td>6</td>
</tr>
<tr>
<td>Religious or conscientious exemptions affecting LGBTQ+ people</td>
<td>4</td>
</tr>
<tr>
<td>Conversion therapy</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
</tr>
</tbody>
</table>
Which of the following tobacco and e-cigarette issues does your association expect to work on in 2022?

- Prohibiting the sale of flavored e-cigarette products: 16
- Taxes on tobacco/e-cigarette products: 13
- Prohibiting the sale of all e-cigarette products: 7
- Raising purchase age to 21: 6
- Other: 4
Which of the following vaccine issues does your association expect to work on in 2022?

- Non-medical exemptions: 24
- Mandatory vaccination: 24
- Other: 10
Which of the following women’s reproductive health issues does your association expect to work on in 2022?

- Restriction on abortion: 15
- Expanding access to reproductive services: 11
- Maternal health: 11
- Extending Medicaid coverage to 12-months postpartum: 8
- Other: 3
Which of the following Medicaid issues does your association expect to work on in 2022?

- Physician reimbursement: 34
- Medicaid expansion: 22
- Medicaid funding structure (e.g., block grants, per-capita caps): 13
- Medicaid managed care: 10
- Medicaid buy-in/public option: 9
- Other: 8
- Waiver programs: 6
- Work requirements: 6
- Mandatory participation: 1
Which of the following COVID-19 issues does your association expect to work on in 2022?

- Masks and/or vaccine mandates: 31
- Public health authority and structure: 22
- Financial assistance for physician practices and other healthcare providers: 18
- Vaccine distribution: 17
- Immunity from liability for services provided during the pandemic: 16
- Testing: 14
- Insurance/Medicaid eligibility expansion: 12
- Budget shortfalls: 6
- Other: 5
Which of the following physician workforce issues does your association expect to work on in 2022?

- Resident retention plan: 30
- Appropriate additional GME funds: 26
- Expand residency positions: 25
- Pursue alternative models of GME funding: 11
- Other: 10
- Expand medical school enrollment: 4
Which of the following opioid and drug overdose epidemic issues does your association expect to work on in 2022?

- Access to OUD treatment: 23 respondents
- Prescription drug monitoring programs: 17 respondents
- Harm reductions policies: 17 respondents
- Access to non-opioid pain medications: 16 respondents
- Mental health and SUD: 16 respondents
- Opioid prescribing restrictions: 12 respondents
- Drug overdose surveillance: 7 respondents
- Other: 6 respondents
Which of the following pharmaceutical issues does your association expect to work on in 2022?

<table>
<thead>
<tr>
<th>Pharmaceutical Issues</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug cost and price transparency</td>
<td>19</td>
</tr>
<tr>
<td>Regulation of pharmacy benefit managers</td>
<td>18</td>
</tr>
<tr>
<td>Mid-year pharmaceutical switching</td>
<td>10</td>
</tr>
<tr>
<td>Medical cannabis</td>
<td>7</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
</tr>
<tr>
<td>Physician compounding</td>
<td>5</td>
</tr>
<tr>
<td>Drug importation</td>
<td>4</td>
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<tr>
<td>Adult-use cannabis</td>
<td>4</td>
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<tr>
<td>Establishing a drug pricing board</td>
<td>3</td>
</tr>
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<td>Price gouging</td>
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<td>Workers Compensation formulary issues</td>
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Which of the following medical licensure issues does your association expect to work on in 2022?

- Interstate Medical Licensure Compact: 16
- Active state supervision of medical boards: 11
- Physician competency: 10
Which of the following antitrust or competition issues does your association expect to work on in 2022?

- **18**: Opposing administrative regulation and standard setting that pressure physicians out of the marketplace
- **8**: Opposing hospital anticompetitive practices that injure physicians
- **7**: Opposing health insurer anticompetitive exercises of buyer power in physician markets
- **6**: Other
- **5**: Opposing anticompetitive health insurer mergers
- **5**: Supporting antitrust state action immunity for scope of practice decisions
- **5**: Opposing PBM anticompetitive mergers
- **4**: Supporting antitrust state action immunity for physician collective negotiation of fees
- **2**: Opposing hospital mergers
- **1**: Supporting antitrust compliance of physician-owned ACO’s
Which of the following physician wellness issues does your association expect to work on in 2022?

- Supporting physician health programs’ confidentiality: 14
- Providing confidentiality protections for physician wellness programs: 12
- Revising medical licensing applications to focus on current impairment and not past diagnosis of mental illness: 10
- Other: 7

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Which of the following medical liability reform issues does your association expect to work on in 2022?

- Caps on damages: 16
- Defensive legislative efforts: 8
- Certificate of merit: 7
- Expert witness reform: 7
- Other: 6
- Collateral source reform: 5
- Phantom damages: 4
- Early disclosure and compensation programs: 3
- "No fault" patient compensation programs: 1
Which of the following business of medicine issues does your association plan to work on in 2022?

- Corporate practice of medicine: 12
- Physician taxes: 8
- Other: 7
- Certificate of need: 5
- Physician-owned hospitals: 1
- Physician unions: 1
Which of the following data/EHR state-level issues does your association plan to work on in 2022?

- Information blocking: 8
- Interoperability of EHRs: 7
- All payer claims databases: 6
- Data privacy issues: 3
- Other: 2
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.
Physicians’ powerful ally in patient care