



Welcome to the spring edition of the AMA's *Very Influential Physician (VIP) Insider*. Read on for details about these topics:

- Telehealth flexibilities assured for the bulk of 2022
- Redistricting: What's left?
- Grassroots Advocacy and the First Amendment

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### **Telehealth flexibilities assured for the bulk of 2022**

Many of the telehealth flexibilities that have helped dramatically improve patient access to care are temporary and limited to the duration of the COVID-19 PHE, and they affect both public health programs and private health coverage. The PHE must be renewed every 90 days, and is set to expire April 16. It is expected the PHE will be renewed for another 90 days, with a mid-July expiration date.

This puts doctors and health care organizations in the position of having to weigh the costs of investing in the technological and clinical infrastructure needed to maintain telehealth programs against the possibility that Congress may ultimately decide against supporting the permanent expansion of telehealth coverage that is so badly needed.

The AMA and a vast array of more than 300 other health care organizations [urged congressional leaders](#) to take this step as a way of “facilitating a pathway to comprehensive permanent telehealth reform that would provide certainty to beneficiaries and our nation’s health care providers while providing sufficient time for Congress and the administration to analyze the impact of telehealth and patient care.”

Prior to the pandemic, Medicare beneficiaries needed to be physically located in a rural area to access telehealth services, thus precluding urban and suburban patients from receiving the same benefits of virtual care. In addition, rural beneficiaries still needed to travel to an “originating site”—essentially another health care facility—outside of the home to access telehealth services.

“For decades, the AMA has recommended permanently removing the geographic and originating-site restrictions. Likewise, the AMA pushed to preserve the existing telehealth flexibilities since the COVID pandemic swept the country,” Dr. Harmon said. “It’s refreshing to see Congress agree. As patients take advantage of these changes and health access is broadened, we are hopeful that Congress will see the wisdom of making these changes permanent.”

In addition to keeping the telehealth flexibilities in place for 151 days after the PHE ends, the new law also calls on the Medicare Payment Advisory Commission to issue a report on telehealth use by June 15, 2023.

“Telehealth has huge potential to expand access to high-quality virtual care for all Americans,” says the letter the AMA and other organizations sent to Congress earlier this year. “Following the 2022–2023 evaluation period, all committees of jurisdiction will have at their disposal the necessary data to pursue evidence-based policymaking and take up comprehensive and permanent telehealth reform in a bipartisan manner.”

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## Redistricting: What's left?

With the 2022 primary season already underway, the vast majority of states have passed their new congressional maps. However, while the lines have been finalized in 39 of the 44 states that have more than a single district, some of the remaining states are large — in fact, the composition of their delegations could decide control of the House.

The *Crystal Ball* [favors](#) Democrats in 185 of the seats that have been drawn, to 169 for Republicans (22 districts are Toss-ups). But the 5 states that have yet to produce maps account for a sizeable 59 seats. Perhaps more notably, Republicans, at least on paper, technically control redistricting in 4 of those states — Florida, Missouri, New Hampshire, and Ohio — while they also may end up getting their way in the 5th, Louisiana, despite its Democratic governor.

Altogether, Republicans currently hold 39 of the quintet's 59 seats, so in terms of the overall House count, even a relatively status quo arrangement would likely benefit the GOP (while Ohio is losing a seat, Florida is gaining one).

### **Florida and Ohio**

Though Republicans have total control of state government in both Florida and Ohio, redistricting in both states has been, to say the least, hard to navigate.

In November, the Florida state Senate kicked off the process in the state — it [released](#) 4 draft plans. Though each version had minor differences, none were especially dramatic departures from the current plan: each retained a [dozen](#) Biden-won districts, while the new seat, FL-28, was roughly coterminous with fast-growing Polk County.

As state analyst Matthew Isbell chronicled in his [summary](#) of the state's recent legislative session, conservative complaints over the relatively tame state Senate maps may have prompted Gov. Ron DeSantis to propose his [own plan](#). The governor's plan was an aggressive Republican gerrymander — in 2020, Trump would have carried 20 of his 28 districts.

One of the main sticking points among Republicans has been how to draw the panhandle. The DeSantis plan eliminated Democratic Rep. Al Lawson's FL-5, which runs from Tallahassee to Jacksonville. FL-5 was established in 2016 as a result of the state's court-ordered mid-decade remap — it replaced another heavily Black district that snaked from Jacksonville to Orlando. Though Black residents make up a large portion of FL-5's population (49%), they are not a majority — thus, according to some thinking on the Republican side, it is not protected by the Voting Rights Act. Earlier this year, DeSantis requested an advisory opinion from the state Supreme Court on FL-5's legality, but the high court [declined](#) to give an opinion.

In the meantime, the state House produced its own plans — perhaps in the interest of expediency, the state Senate got on board with the House. In the end, the entire state legislature passed 2 congressional redistricting plans — each features 18 Trump-won seats. While Plan 8015 keeps FL-5 intact, Plan 8019 reconfigures the seat so that it is located entirely within Jacksonville's Duval County (and it becomes less Democratic-leaning). The former acts as a backstop if the latter is struck down.

Neither plan is as aggressive as DeSantis would like, though. The governor has not backed off of his [veto threats](#), and Isbell predicts that the courts are likely to step in.

Ohio was unquestionably one of Republicans' biggest redistricting success stories over the last decade — for 2012, they drew a plan intended to give their party a 12-4 edge in the state's delegation, and it held each cycle — but it has seen one of the most [complicated](#) redistricting sagas

of any state. In 2018, Ohio voters passed [Issue 1](#), a state constitutional amendment that established certain standards for fairness in redistricting. While this seems a worthy objective, the ramifications of this amendment have driven much of the tumult in the state.

In November, Gov. Mike DeWine (R-OH) [signed off](#) on a plan that the legislature passed. That plan gave Democrats 2 ironclad seats (in Cleveland and Columbus) and created 3 marginal seats — all of which could elect Republicans, especially in a cycle like 2022 — but left 10 clearly GOP-leaning seats. Importantly, because the map was passed along party lines, it would only be in place for 4 years, according to the rules established by Issue 1.

In January, the legislature's plan was struck down by the state Supreme Court, which [found](#) the map to be “infused with undue partisan bias.” Chief Justice Maureen O'Connor, who also served as the state's Republican lieutenant governor from 1999 to 2002, was the critical vote — she sided with Democratic-aligned justices in a 4-3 ruling.

At the beginning of this month, the state's redistricting commission, which is a panel of statewide politicians and legislators, passed a [plan](#) that is generally similar to the version that the court struck down — in the context of 2022, Democrats would only be solid favorites in 2 of the state's 15 seats. The new map is currently under judicial review, but seems likely to get struck down.

Of these 5 states, Ohio may have some unique logistical challenges, considering its relatively early primary. Unlike Florida, for example, which has a late August primary, Ohio's is scheduled for May 3 — a date that may have to be [pushed back](#). Additionally, filing for partisan congressional candidates in Ohio closed on March 4. If a new map is enacted, filing could very well have to be reopened. As an aside, Maryland recently [pushed back](#) its primary (and filing deadline) due to redistricting-related lawsuits — so such delays are not unheard of in post-redistricting cycles.

It is hard to say what type of map Ohio may ultimately enact for the 2022 cycle, but given the state Supreme Court's interpretation of Issue 1's standards, Democrats seem likely to emerge with more than just 2 seats.

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### **Grassroots Advocacy and the First Amendment**

by [Kathy Goldschmidt](#) of the Congressional Management Foundation

Have you ever considered that you are one of the most important facilitators of the People's First Amendment Rights?

The freedoms of assembly, speech, the press, and petition are all critically important to the relationship between the institution of Congress and the People as well as between individual Members and their constituents. Organizers of grassroots advocacy help their members engage in almost every one of the fundamental freedoms guaranteed by the Constitution. As such, you are in a position of significant privilege and trust, which also comes with significant responsibility. To a certain degree, you hold trust in governance and democracy in your hands.

In our 2021 report [The Future of Citizen Engagement: Rebuilding the Democratic Dialogue, we propose ten principles](#) for modernizing and improving the relationship between Congress and the People. All ten will require changes in the constituent engagement culture and practices in both Congress and the organizations that help facilitate grassroots advocacy. Principle 2 is that Congress should robustly embrace and facilitate the People's First Amendment Rights, but grassroots advocacy plays a crucial role in helping Congress do that effectively.

Here's how you facilitate First Amendment rights:

***Freedom of Assembly.*** Professional associations, nonprofits, unions, coalitions, industry organizations, and ad hoc groups have always been essential to our practice of democracy and our engagement with Congress. Collective action. That's what you do. You engage and peacefully assemble people around topics of mutual interests and, as a result, amplify their voices. For decades—if not generations—people like you have been responsible for the bulk of advocacy, petitions, and constituent communications directed toward Congress. When you assemble people for collective action, however, you hold their trust and must be honest and accountable with the tactics you use to engage them. Appealing to anger and dissatisfaction—or disseminating misinformation—to get people to join your cause violates their trust and weakens democracy.

***Freedom of Speech.*** One of the best-known and frequently-exercised rights is, of course, that of free speech. You encourage people to speak out and advocate for change in their communities, states, and the nation. You and your organization also exercise your own right to free speech in the messages you disseminate and the work you do to engage people in your cause. You and your activists have the right to say whatever you choose free from government censorship or interference. As you wield the collective speech of your activists, however, consider the broader impact it will have on governance and democracy. Using speech to disparage Congress and its Members—or any governing body and its elected officials—can not only damage your cause, but also can also damage your relationship with the elected officials and overall trust in democracy.

***Freedom of the Press.*** Historically, newspapers and their journalists were understood to be "the press," but advances in technology—radio, telephones, television, and the Internet—have substantively changed the definition and role of the press over time. Many local newspapers have closed, and many states are now without even one reporter dedicated to covering Congress. As a result, civic information is more likely to be covered at a national level than filtered through the perspectives and lenses of a local community. Except, possibly through organizations like yours. Your newsletters and emails may be the only way your members are hearing about what's going on with anything other than contentious national legislation that makes national news. Your local chapters may be the only ones translating public policy to local communities, congressional districts, and even states. Consider both the power and privilege involved in having that kind of voice among the People.

***Freedom to Petition Government.*** Almost certainly you would say that this is the First Amendment right you are most involved in facilitating, but you would be wrong. The right to petition government for a redress of grievances is the least understood of our First Amendment rights, and it is [now practiced much differently by Congress than at the founding of the nation](#). Unlike our current messages directed to specific Members, petitions used to be directed to, and addressed by, the full House or Senate. In the House—where most petitions were directed—any Member could introduce any petition from anyone and anyone could sign onto it, regardless of where they lived or who represented them (or even whether they were citizens or eligible to vote). In fact, many petitioners were basically grassroots organizers. They would generate support among—and signatures from—individuals, sometimes from all over the country. At the same time, they would identify and generate the support of a Member of Congress to introduce it. Once the House or Senate accepted a petition, there was a culture and expectation for due process, as with a court filing. The petition would be considered and would receive a response. Now the right to petition has been equated with free speech rather than due process, and we retain only a vestigial version of the original petition process.

Can you think of any other professional more responsible for facilitating the People's First Amendment rights than a grassroots organizer? Other than legislators, themselves, perhaps? As such, those who serve as conduits between our leaders and those they represent bear significant responsibility to facilitate and support with integrity the most important relationship in our republic.