

**CHARTIS TOP READS**

# Supreme Court ruling and GME bill work at odds for improving clinical workforce representation and health equity

Week of July 23 - July 29, 2023

| JUL 28, 2023

<https://www.chartis.com/insights/supreme-court-ruling-and-gme-bill-work-odds-improving-clinical-workforce-representation>

---

## The Buzz This Week

Last month the Supreme Court of the United States struck down the application of affirmative action, deciding that higher education institutions can no longer use race and/or ethnicity as primary factors for admission. The ruling applies to all public and private schools that receive federal funding.

The federal policy, first introduced in 1961 and ratified in 2003, mandated taking “affirmative action” to ensure applicants and employees are treated without regard to their race, religion, or national origin. It was intended to create equal opportunity for minority groups historically underrepresented in the workforce and higher education. Specifically, the ruling allowed public and private universities to “continue using race as a ‘plus factor’ in evaluating potential students—provided they take sufficient care to evaluate individually each applicant’s ability to contribute to a diverse student body,” as outlined by the *Washington Post*. In the medical field, affirmative action improved access to medical schools and other postgraduate training for underrepresented groups, leading to a more representative workforce and improved quality of care for all people.

The recent ruling shocked the higher education system, with medical schools and healthcare organizations feeling especially discouraged after years of effort to diversify the healthcare workforce. Industry leaders vocalized their frustrations, including the President of the American Medical Association, who stated the decision “will reverse gains made in the battle against health inequities...and will translate to a less diverse physician workforce,” and the Association of American Medical Colleges (AAMC), which stated that the “decision demonstrates a lack of understanding of the critical benefits of racial and ethnic diversity in educational settings and a failure to recognize the urgent need to address health inequities in our country.”

Prior to the affirmative action ruling, the Resident Physician Shortage Reduction Act, first introduced in 2021, was reintroduced in March. At the time of this publication, it sits with the House Energy and Commerce Subcommittee on Health for review. The bill calls for the creation of 2,000 Medicare-supported graduate medical education (GME) positions per year, for 7 years, which would result in 14,000 new GME positions. The bill also calls for at least “10% of positions to be distributed to hospitals in rural or noncontiguous areas, training over their GME cap [with more residents than they’re receiving Medicare payments for], located in states with new medical schools or branch campuses, and that serve designated health professional shortage areas, with priority given to hospitals affiliated with historically Black medical schools.”

## Why It Matters

Though the Resident Physician Shortage Reduction Act aims to increase the number of physicians in the workforce—particularly in areas of underserved and marginalized communities—the overturning of affirmative action stands to work in opposition to those efforts. According to the AAMC’s 2022 Physician Specialty Data Report of active physicians, 6.9% identify as Hispanic; 5.7% identify as Black; and less than 0.5% identify as American Indian, Alaska Native, or Native Hawaiian. In contrast, these groups make up 19.1%, 13.6%, and 1.6% of the general U.S. population, respectively, demonstrating the lack of racial concordance with the communities that physicians aim to serve. To add to this, the affirmative action ruling has the potential to make higher education across all healthcare professions that much more unattainable for people from these groups. Prior to the ruling, medical schools reported that just 12% of matriculants in 2022 were Hispanic, even with affirmative action in place. In states like Florida and California with preexisting affirmative action bans, there has been a 17% decline in people of color enrolling in medical schools since the bans were enacted over 20 years ago.

A study out of UCLA, published in April of this year, highlighted the multitude of factors that prevent racial and ethnic minorities from applying to medical schools. These factors include parental education background, finances, extracurricular educational opportunities (or lack thereof), and discouragement from advisors. There is concern that this new ruling will create yet another barrier to further discourage people from these groups from applying to graduate-level healthcare training programs.

Health experts worry that the Supreme Court decision could have the greatest impact on patients, exacerbating health disparities. There is significant evidence suggesting that students who train in diverse settings are better prepared to care for diverse patients. Additional research shows improved health outcomes through racial and ethnic congruence in the patient-provider dyad, with one study highlighting that Black doctors could reduce the Black-white male gap in cardiovascular mortality by 19%. And when looking at the trends in specialties by race, physicians from racial and ethnic minorities are more concentrated in primary care—an area where data suggests the greatest provider shortage currently exists.

Institutions will have to decide how they want to proceed moving forward. Following the news, some organizations vocalized their intent to conduct webinars on how to structure a holistic admissions process, while others reaffirmed their commitment to diversity and their intention to provide fair and just consideration to all applicants. Despite the ruling, it will be critical for universities to maintain and increase the diversity of

the student population to ensure health equity across all communities and populations.

## RELATED LINKS

American Medical Association:

Association of American Medical Colleges:

The Commonwealth Fund:

The Hill:

PBS News Hour:

---

**Editorial advisor: Roger Ray, MD, Chief Physician Executive.**

---

## Chartis Top Reads

[View All](#)

### Our services

[STRATEGIC TRANSFORMATION](#)

[PERFORMANCE TRANSFORMATION](#)

[DIGITAL & TECHNOLOGY TRANSFORMATION](#)

[CHARTIS CENTERS FOR AI & STRATEGIC INTELLIGENCE](#)

[PAYER TRANSFORMATION](#)

[STRATEGIC COMMUNICATIONS & CHANGE MANAGEMENT](#)

### LEARN MORE ABOUT THE AUTHOR



**Meredith Deal**

Senior Research Associate