

Actions of the 2016 House of Delegates

- Resolution No. 1-16** HOD Action: **Adopted by Unanimous Consent**
Title: "Disaster Preparedness for the State of Tennessee" [Reaffirmation of Resolution No. 6-09]
- Resolution No. 2-16** HOD Action: **Adopted by Unanimous Consent**
Title: "Tennessee Medical Education Fund Contribution" [Reaffirmation of Resolution No. 16-02 and 16-09]
- Resolution No. 3-16** HOD Action: **Adopted**
Title: "Dues Increase"
Author: Michel McDonald, MD, Chair, Board of Trustees
- Resolution No. 4-16** HOD Action: **Adopted**
Title: "TENNCARE/CMS Audits and Clawbacks"
Author: Ronald H. Kirkland, MD, Consolidated Medical Assembly of West Tennessee
- Resolution No. 5-16** HOD Action: **Adopted**
Title: "Prevention of Misleading Health Care Representation"
Author: Phillip Langsdon, MD, The Memphis Medical Society
- Resolution No. 6-16** HOD Action: **Adopted**
Title: "Protection of Minors from the Hazardous Effects of Ultraviolet Radiation from Tanning Lamps"
Author: George Woodbury, Jr., MD, The Memphis Medical Society
- Resolution No. 7-16** HOD Action: **Adopted**
Title: "Upper Cumberland Medical Society Membership Pilot Project"
Author: Pushpendra K. Jain, MD, Ex-Officio; James C. Gray, MD, Putnam County Medical Society
- Resolution No. 8-16** HOD Action: **Adopted**
Title: "Funding Graduate Medical Education"
Author: George Woodbury, Jr., MD, The Memphis Medical Society
- Resolution No. 9-16** HOD Action: **Adopted**
Title: "Medical Spa Registry Transparency"
Author: Steven Bengelsdorf, MD, Nashville Academy of Medicine
- Resolution No. 10-16** HOD Action: **Adopted as Amended**
Title: "Limit Prenatal Exposure to Opiates"
Author: Deborah Christiansen, MD, Knoxville Academy of Medicine
- Resolution No. 11-16** HOD Action: **Withdrawn by Author**
- Resolution No. 12-16** HOD Action: **Adopted**
Title: "Physician Wellness"
Author: Glenn A. Newman, MD, Chattanooga-Hamilton County Medical Society

Resolution No. 13-16

HOD Action: **Adopted as Amended**

Title: "Interventions for Opioids Dependent Pregnant Women"

Author: Vijaya I. Appareddy, MD, Chattanooga-Hamilton County Medical Society

Resolution No. 14-16

HOD Action: **Not Adopted**

Title: "Definition of a Doctor"

Author: Karin M. Covi, MD, Chattanooga-Hamilton County Medical Society

Resolution No. 15-16

HOD Action: **Adopted as Amended**

Title: "Physicians Preparing Sterile Compounding"

Author: O. Lee Berkenstock, MD, The Memphis Medical Society

Resolution No. 16-16

HOD Action: **Adopted as Amended**

Title: "Maintenance of Certification (MOC) and Licensure (MOL) VS Board Certification, CME and Lifelong Commitment to Learning"

Author: Karin M. Covi, MD, Chattanooga-Hamilton County Medical Society

Resolution of Commendation

HOD Action: **Adopted**

Title: Resolution to Recognize the Contributions of Audrey Smith to the Tennessee Medical Association

Author: Chattanooga-Hamilton County Medical Society; Knoxville Academy of Medicine; Nashville Academy of Medicine; The Memphis Medical Society, TMA Region 2, TMA Region 8

Resolution of Commendation

HOD Action: **Adopted**

Title: Resolution to Recognize the Contributions of Phyllis Franklin to the Tennessee Medical Association

Author: Chattanooga-Hamilton County Medical Society; Knoxville Academy of Medicine; Nashville Academy of Medicine; The Memphis Medical Society, TMA Region 2, TMA Region 8

ADOPTED BY UNANIMOUS CONSENT MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 01-16

INTRODUCED BY: TMA BOARD OF TRUSTEES
MICHEL MCDONALD, MD, CHAIR

SUBJECT: DISASTER PREPAREDNESS FOR THE STATE OF TENNESSEE
(REAFFIRMATION OF SUBSTITUTE RESOLUTION NO. 6-09)

REFERRED TO: CONSENT CALENDAR

RESOLVED, That the Tennessee Medical Association educate physicians and coordinate with existing disaster plans to include:

- 1) Enrollment of physicians who will serve as disaster physician volunteers
- 2) Education of physicians in the characteristics of the optimal medical disaster responder
- 3) Coordination of the physician response team with the other state and federal emergency agencies

Sunset: 2023

ADOPTED BY UNANIMOUS CONSENT MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 02-16

INTRODUCED BY: TMA BOARD OF TRUSTEES
MICHEL MCDONALD, MD, CHAIR

SUBJECT: TENNESSEE MEDICAL EDUCATION FUND CONTRIBUTION
[REAFFIRMATION OF RESOLUTION NO. 16-02 AND 16-09]

REFERRED TO: CONSENT CALENDAR

RESOLVED, That the Tennessee Medical Association (TMA) add ten dollars to the TMA annual dues of active members which will be contributed to the Tennessee Medical Education Fund, Inc. (TMEF) for tuition assistance for medical students in Tennessee.

Sunset: 2023

ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 03-16

INTRODUCED BY: TMA BOARD OF TRUSTEES
MICHEL MCDONALD, MD, CHAIR

SUBJECT: DUES INCREASE

RESOLVED, That the Tennessee Medical Association membership dues be increased \$25 per dues paying member beginning in 2017, bringing the total dues amount to \$510; followed the next five years with an additional \$10 per year, bringing the dues to \$560 by 2022.

Sunset: 2023

ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 04-16

INTRODUCED BY: RONALD H. KIRKLAND, MD, DELEGATE
CONSOLIDATED MEDICAL ASSEMBLY OF WEST TENNESSEE

SUBJECT: TENNCARE/CMS AUDITS AND CLAWBACKS

RESOLVED, That the Tennessee Medical Association's delegation to the American Medical Association (AMA) put forth a resolution to the 2016 AMA House of Delegates directing AMA to undertake federal advocacy efforts to:

- 1) Redefine "primary care provider" for purposes of the regulations governing the enhanced payments to primary care physicians mandated by section 1202 of the Health Care and Education Reconciliation Act of 2010 ("Section 1202"). Such definition should include the current providers board certified in a specialty considered primary care; or providers attesting to the 60% Threshold under the same methodology as used in the parallel statutory formula¹ in Section 5501(a) of PPACA; or, in states utilizing managed care organizations, providers who are, or have been held out by such MCOs as primary care providers by having patients assigned to such primary care providers and holding such providers out to the public as primary care providers; and the 60% Threshold formula previously utilized in attestation.
- 2) Order that the audits conducted, or to be conducted of the enhanced payments to primary care physicians, by state Medicaid agencies or their agents be conducted pursuant to the amended flexible formula redefining "primary care provider".
- 3) Order that state Medicaid agencies, or their agents, immediately cease recoupments, or hold amounts of funds already recouped in trust, until a new audit using the redefined formula can be completed.

Sunset: 2023

¹ Other than the use of "billed codes" in place of "allowed charges," the statutory test at section 5501(a) of PPACA and the CMS regulation for Section 1202 are substantively identical. Although the use of billed codes in place of allowed charges exacerbates the issues caused by inclusion of ancillary services, if states limit the denominator to codes reimbursed under the Medicare Physician Fee Schedule (as CMS did for section 5501(a) of PPACA), this alone should reduce the number of "true primary care practitioners" that fail to qualify for the enhanced payments.

ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 05-16

INTRODUCED BY: PHILLIP LANGSDON, MD, DELEGATE
THE MEMPHIS MEDICAL SOCIETY

SUBJECT: PREVENTION OF MISLEADING HEALTH CARE REPRESENTATION

RESOLVED, That the Tennessee Medical Association support legislation to prevent usage of any derivation of the terms "medical" or "med" in advertisements, signage, websites, etc., by a spa, hair salon, boutique or any business that provides aesthetic services such as injections or lasers unless the business, clinic, spa, etc. has a Tennessee licensed medical doctor practicing "fulltime" at that site or the site is the primary practice site of the "medical director".

Sunset: 2023

ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 06-16

INTRODUCED BY: GEORGE WOODBURY JR., MD, DELEGATE
THE MEMPHIS MEDICAL SOCIETY

SUBJECT: PROTECTION OF MINORS FROM THE HAZARDOUS EFFECTS OF
ULTRAVIOLET RADIATION FROM TANNING LAMPS

RESOLVED, That the Tennessee Medical Association support the enactment of state legislation to protect minors from the hazards of ultraviolet radiation by prohibiting the sale of tanning services utilizing ultraviolet rays to those 18 years of age and under.

Sunset 2023

ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 07-16

INTRODUCED BY: PUSHPENDRA K. JAIN, MD, EX-OFFICIO DELEGATE
JAMES C. GRAY, MD, DELEGATE
PUTNAM COUNTY MEDICAL SOCIETY

SUBJECT: UPPER CUMBERLAND MEDICAL SOCIETY MEMBERSHIP PILOT PROJECT

RESOLVED, That a Upper Cumberland Medical Society Membership Pilot Project be initiated within the Upper Cumberland Development/Upper Cumberland Health Region whereby the annual Tennessee Medical Association (TMA) dues statements sent to direct members include the option to join Tennessee Medical Association through the Upper Cumberland Medical Society; and be it further

RESOLVED, That the Upper Cumberland Medical Society, working with the Tennessee Medical Association Judicial Council and Membership Committee, report to the 2017 House of Delegates whether regional membership grew and physicians became more involved as a result of the Upper Cumberland Membership Pilot Project, and be it further

RESOLVED, That the Judicial Council report to the 2017 House of Delegates whether a similar program as the Upper Cumberland Membership Pilot Project be initiated statewide.

Sunset: 2023

ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 08-16

INTRODUCED BY: GEORGE R. WOODBURY, JR., MD, DELEGATE
THE MEMPHIS MEDICAL SOCIETY

SUBJECT: FUNDING OF GRADUATE MEDICAL EDUCATION

RESOLVED, That the Tennessee Medical Association, citing the expanding state population, lobby both the state and federal legislative and executive branches to adjust the Graduate Medical Education Waiver Cap from \$50 million to \$75 million; and be it further

RESOLVED, That the Tennessee Medical Association advocate for the State of Tennessee to fund its one-third portion of the Graduate Medical Education Waiver Cap to the maximal amount through a line item in the State of Tennessee's budget.

Sunset: 2023

ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 09-16

INTRODUCED BY: STEVEN BENGELSDORF, MD, DELEGATE
NASHVILLE ACADEMY OF MEDICINE

SUBJECT: MEDICAL SPA REGISTRY TRANSPARENCY

RESOLVED, That the Tennessee Medical Association petition the Tennessee Board of Medical Examiners to modify the Department of Health's Medical Spa Registry application to require the reporting of average number of hours of supervision the medical director provides per week for each medical spa being registered; and be it further

RESOLVED, That the Tennessee Medical Association petition the Tennessee Board of Medical Examiners to modify the Department of Health's Medical Spa Registry application to require the reporting of the average number of hours the medical director is on-site per week at each medical spa facility being registered; and be it further

RESOLVED, That the Tennessee Medical Association petition the Tennessee Board of Medical Examiners to modify the Department of Health's Medical Spa Registry application to require the reporting of percentage of ownership by medical director(s) for each medical spa being registered; and be it further

RESOLVED, That the Tennessee Medical Association require public access to the State of Tennessee's Medical Spa Registry in the form of a searchable database, to include:

- Name
- Address
- City
- Zip code
- average number of hours of supervision the medical director provides per week
- the average number of hours the medical director is on-site per week.

Sunset: 2023

ADOPTED AS AMENDED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 10-16

INTRODUCED BY: DEBORAH CHRISTIANSEN, MD, DELEGATE
KNOXVILLE ACADEMY OF MEDICINE

SUBJECT: LIMIT PRENATAL EXPOSURE TO OPIATES

RESOLVED, That the Tennessee Medical Association explore possible means to encourage birth control for women who are prescribed opiates.

Sunset: 2023

ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 12-16

INTRODUCED BY: GLENN A. NEWMAN, MD, DELEGATE
CHATTANOOGA-HAMILTON COUNTY MEDICAL SOCIETY

SUBJECT: PHYSICIAN WELLNESS

RESOLVED, That the Tennessee Medical Association promote opportunities for education and training on issues relating to physician wellness and burnout.

Sunset: 2023

ADOPTED AS AMENDED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 13-16

INTRODUCED BY: VIJAYA I. APPAREDDY, MD, DELEGATE
CHATTANOOGA-HAMILTON COUNTY MEDICAL SOCIETY

SUBJECT: INTERVENTIONS FOR OPIOIDS DEPENDENT PREGNANT WOMEN

RESOLVED, That the Tennessee Medical Association advocate for increased funding for programs for education, prevention and treatment for pregnant women addicted to opiates and other illicit drugs; and be it further

RESOLVED, That the Tennessee Medical Association advocate for comprehensive medical oversight for the treatment of polysubstance-addicted pregnant women.

Sunset: 2023

NOT ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 14-16

INTRODUCED BY: KARIN M. COVI, MD, DELEGATE
CHATTANOOGA-HAMILTON COUNTY MEDICAL SOCIETY

SUBJECT: DEFINITION OF DOCTOR

RESOLVED, That in healthcare settings, including but not limited to: medical offices, hospitals, clinics, out-patient facilities and emergency care centers, the terms “doctor” and “physician” should be used to refer to an MD or DO; and be it further

RESOLVED, That the Tennessee Medical Association develop a campaign for public and legislative awareness to clarify the evolving problem of use of the term “doctor” by non-physician health care professionals; and be it further

RESOLVED, That the Tennessee Medical Association shall seek to introduce and support legislation in the Tennessee General Assembly that would limit the use of the terms “doctor” and “physician” to refer to persons holding a degree of Doctor of Medicine or Doctor of Osteopathic Medicine.

Sunset 2023

ADOPTED AS AMENDED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 15-16

INTRODUCED BY: O. LEE BERKENSTOCK, MD, DELEGATE
THE MEMPHIS MEDICAL SOCIETY

SUBJECT: PHYSICIANS PREPARING STERILE COMPOUNDING

RESOLVED, That the Tennessee Delegation to the American Medical Association be encouraged to support the efforts of the American Medical Association to convince the United States Pharmacopeia (USP) to retain the current special rules for procedures in the medical office that could include but not be limited to allergen extract compounding in the medical office setting and, if necessary, engage with the U.S. Food and Drug Administration (FDA) and work with the U.S. Congress to ensure that small volume physician office-based compounding is preserved; and be it further

RESOLVED, That the Tennessee Medical Association reaffirm that the regulation of compounding in the physician office for the physician's patients be under the purview of state medical boards and not state pharmacy boards; and be it further

RESOLVED, That the Tennessee Medical Association encourage our state medical board support the current 2008 USP Chapter 797 sterile compounding rules as they apply to allergen extracts, including specifically requirements related to the beyond use dates of compound allergen extract stock.

Sunset: 2023

ADOPTED AS AMENDED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. 16-16

INTRODUCED BY: KARIN M. COVI, MD, DELEGATE
CHATTANOOGA-HAMILTON COUNTY MEDICAL SOCIETY

SUBJECT: MAINTENANCE OF CERTIFICATION (MOC) AND LICENSURE (MOL) VS
BOARD CERTIFICATION, CME AND LIFELONG COMMITMENT TO LEARNING

RESOLVED, That the Tennessee Medical Association oppose efforts by any nationally recognized accredited organization, including, but not limited to, American Board of Medical Specialties and the Federation of State Medical Boards to require physicians to meet the mandates imposed by Maintenance of Certification and Maintenance of Licensure as conditions of employment, licensure, reimbursement or professional insurance coverage; and be it further

RESOLVED, That the Tennessee Medical Association continue to support reasonable lifelong continuing medical education and lifelong specialty board certification requirements as determined by the physician him/herself; advocate against time-limited specialty medical board certifications; and oppose discrimination against physicians who are certified and choose NOT to engage in corporate re-certification programs labeled as "voluntary" by the specialty medical boards; and be it further

RESOLVED, That the Tennessee Medical Association seek the adoption of policy and legislation in Tennessee that will prohibit discrimination by any hospital or employer, state medical licensing board, insurer, Medicaid, and other entities, which might restrict a physician's right to practice medicine without interference (including discrimination by varying fee schedules) due to lack of recertification, lack of participation in Maintenance of Licensure, Maintenance of Certification or other time-limited board certification; and be it further

RESOLVED, That the Tennessee Medical Association's American Medical Association delegation submit a resolution to the AMA House of Delegates to adopt as its policy, to oppose discrimination by any hospital or employer, state board of medical licensure, insurers, Medicare, Medicaid, and other entities, which results in the restriction of a physician's right to practice medicine without interference (including discrimination by varying fee schedules) due to lack of recertification or participation in a Maintenance of Licensure, Maintenance of Certification, or other time-limited board certification.

Sunset: 2023

ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution of Commendation

INTRODUCED BY: CHATTANOOGA HAMILTON COUNTY MEDICAL SOCIETY
KNOXVILLE ACADEMY OF MEDICINE
NASHVILLE ACADEMY OF MEDICINE
THE MEMPHIS MEDICAL SOCIETY
TMA REGION 2
TMA REGION 8

SUBJECT: RESOLUTION TO RECOGNIZE THE CONTRIBUTIONS OF AUDREY SMITH
TO THE TENNESSEE MEDICAL ASSOCIATION

Whereas, Audrey Smith has served twenty-six years on the staff of the Tennessee Medical Association (TMA) and has announced her retirement from TMA in 2016; and

Whereas, Audrey Smith has been the dedicated and pleasant point of contact assisting countless members who contacted the association over the years; professionally supported three CEOs; and kindly imparted her wisdom to staff through her unwavering wry sense of humor and her faith in service and mission to the community; and

Whereas, Audrey Smith has faithfully and efficiently carried out the operations of the Board of Trustees and this House of Delegates; and

Whereas, Audrey Smith has been a critical point of reference not only for the TMA staff but for the metro CEOs and regional representatives, proving timely information, professional guidance, and an unwavering sense of perspective. Now, therefore be it

RESOLVED, That the Tennessee Medical Association House of Delegates hereby recognize and honor Audrey Smith for her loyalty, dedication, diligent work, and service in furtherance of the mission of the Tennessee Medical Association.

ADOPTED MAY 1, 2016

TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution of Commendation

INTRODUCED BY: CHATTANOOGA HAMILTON COUNTY MEDICAL SOCIETY TMA REGION 8
KNOXVILLE ACADEMY OF MEDICINE
THE MEMPHIS MEDICAL SOCIETY
NASHVILLE ACADEMY OF MEDICINE
TMA REGION 2
TMA REGION 8

SUBJECT: RESOLUTION TO RECOGNIZE THE CONTRIBUTIONS OF PHYLLIS FRANKLIN
TO THE TENNESSEE MEDICAL ASSOCIATION

Whereas, Phyllis Franklin has capably served in many staff roles over the last 23 years at the Tennessee Medical Association (TMA) and has announced her retirement from TMA in 2016; and

Whereas, Phyllis Franklin has assisted thousands of Tennessee medical practices through her advocacy efforts as the TMA resident TennCare expert and insurance ombudsman; and has established valuable and steady relationships between TMA and many health insurance companies; and has battled the insurance industry with her technical analysis to recover and/or save millions of dollars for countless physician members and their medical practices; and

Whereas, Phyllis Franklin has developed and single-handedly conducted the iconic TMA annual insurance workshops in an efficient and informative manner; used her organizational skills and eye for detail to assist in the successful operation of the TMA House of Delegates sessions; served as an organized and effective TMA Membership Director; and has zealously supported the work of TMA committees as staff liaison; and

Whereas, Phyllis Franklin has selflessly shared her wealth of knowledge as an educator, mentor and friend to physicians, practice managers and co-workers. Now, therefore be it

RESOLVED, That the Tennessee Medical Association House of Delegates hereby recognize and honor Phyllis Franklin for the multitude of quality advocacy efforts, technical assistance, and educational programming contributions that she has developed and conducted for physicians and practice administrators of Tennessee in furtherance of the mission of the Tennessee Medical Association.