



Topline

Newsletter of the Tennessee Medical Association

Issue
08
March/April 2021



186TH HOUSE OF DELEGATES — MAY 22, 2021 —



What's Inside



TMA Meets with Federal Lawmakers

TMA leadership and staff discussed important health care issues with TN senators and congressmen.

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Legal Briefs

A rundown of important practice and business information prepared by TMA's legal department.

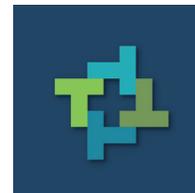
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Employee Spotlight

A TMA employee reflects on the past 20 years in her key role for our advocacy team.

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New Member Experience

The recruitment team is revamping our new member experience, and asks for your assistance.

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FROM the PRESIDENT

As my time as your TMA President starts to wind down, my thoughts turn to the future of this great organization and how we can thrive in the years to come. I believe we should continue to adhere closely to the vision and goals that have made us the most influential physician organization in Tennessee for the past 190 years.

First, our foundation must always remain our physician members. The TMA must remain, primarily, the principal voice of physician concerns in our state. To that end, we should continue to reach out to our fellow physicians to join with us in our advocacy efforts to improve our ability to practice medicine and care for our patients. We should all actively work to identify prospective members and talk to them about the importance of joining the TMA. With our new 75% off introductory member rate for the first year, the initial investment is not so large to ask our colleagues to experience and learn what TMA does for them.

Second, we must remain a grassroots physician organization. As they say, all politics are local, and when it comes to issues like nurse practitioner independent practice and coronavirus measures, the importance of our local component societies is critical. I continue to envision a TMA where the local medical society is the starting point providing membership services, engagement and networking opportunities, physician education and structure for participating in events like Day on the Hill and House of Delegates.

Third, we must retain our voice in a representative House of Delegates that provides governance and direction to the TMA. Gathering once a year in person as delegates representing our component societies and deliberating policies and resolutions remains the best way to make sure we all can be heard, and the result is then the collective wisdom of many physicians. The Board of Trustees serves to fulfill the will of the House between meetings, but the House needs to continue to determine the direction and judge the results.

Fourth, we must provide special opportunities for voice to our newest colleagues. We must continue to support and encourage our Medical Student and Resident Sections as they train by providing local opportunities to meet together, develop leadership skills and have a collective voice with representation on the Board and in the House of Delegates. In addition, I believe we should try to reinvigorate the Young Physician's Section to allow those who are at an earlier career stage the chance to let us know the issues that are important to them, so that we will remain a vibrant and growing organization.

I certainly now have a great appreciation for the challenges and work required to keep an organization like the TMA moving forward, leading and protecting our profession and our patients in our state.

Lastly, I would challenge any of you who are willing to get more involved by serving on a committee, running for an office, serving as a Delegate, or just keeping up to date with our efforts and helping when you can. I am honored to be a part of this noble profession in this great state and to have had the chance to represent you all during this most challenging of years. I believe our best days remain ahead of us.

Take care and God bless you all.



M. Kevin Smith, MD, PhD | 2020-2021 President



IMPACT is the political action committee (PAC) established by TMA to financially support candidates who understand the challenging issues facing medicine. Contributions to IMPACT are a part of what makes TMA the most influential advocacy organization in Tennessee.

We'd like to thank our 2020-2021 Capitol Hill Club Member contributors for their generous donations:

- Newton Allen, MD, Saint Thomas Medical Group, Nashville
- Keith Anderson, MD, Sutherland Cardiology Clinic, Germantown
- Joseph Armstrong, MD, Mountain Empire Eye Physicians, Bristol
- M. Bart Bradley, MD, Mountain Empire Eye Physicians, Bristol
- Jeffrey Bunning, MD, Mountain Empire Eye Physicians, Bristol
- Barton Chase, MD, Ramer Family Health Center, Ramer
- Joshua Hicks, MD, Mountain Empire Eye Physicians, Bristol
- Ken Kozawa, MD, Ken Kozawa I MD PC, Sweetwater
- William Law Jr., MD, Endocrinology Consultants of East Tennessee, Knoxville
- Michael McAdoo, MD, retired, Milan
- Patrick McFarland, MD, University of Tennessee Medical Center, Knoxville
- John Schneider, MD, Comprehensive Pain and Neurology Center, Murfreesboro
- William Williams, MD, Pain Medicine Associates, Johnson City
- George Woodbury, MD, Rheumatology and Dermatology Associates, Memphis

Contributing to IMPACT is a small investment that gives physicians tremendous influence. Your contributions pay dividends with TMA's advocacy success on Capitol Hill.

We welcome all members into our Capitol Hill Club, Advocate Club or Sustaining Member groups as a donor this year. Please visit TNmed.org/IMPACT to donate.

TMA's Annual House of Delegates is May 22, 2021

Our 186th House of Delegates and Annual Meeting is slated for Saturday, May 22, 2021. The meeting is to be an in-person event held at the Franklin Marriott Cool Springs Hotel, and there is an option to view proceedings online.

The 2020 Board of Trustees meeting was held virtually due to the COVID-19 pandemic, and resolutions submitted for 2020 will be discussed during this year's meeting.

Some of the resolutions for 2020 and 2021 include:

- **Resolution 01-21:**
Hospitals Charging for Physician Application
- **Resolution 02-20:**
Impairment Reporting
- **Resolution 03-20:**
Reduction of Firearms Violence: Time for Action
- **Bylaw Amendment 01-21:**
Changes to Corporate Annual Meeting and House of Delegates in Emergencies or Extraordinary Circumstances
- **Bylaw Amendment 02-21:**
Member Delinquent Date
- **Bylaw Amendment: 03-21:**
Clarification That Resident and Fellow Members Cannot Vote in TMA Elections

Ron Kirkland, MD, will be appointed the active TMA president for 2021-2022, and **Kevin Smith, MD, PhD**, will become the Immediate Past President. We will also elect our new Speaker and Vice Speaker.



We will officially install the eight newly-elected members of the Board of Trustees and Judicial Council, which includes:

- **O. Lee Berkenstock, MD, FAAFP**
- **Claude J. Pirtle, MD, MS**
- **Amy M. Suppinger, MD**
- **Robin Williams, MD**
- **Joseph Eugene Huffstutter, MD**
- **J. Mack Worthington, MD**
- **Landon Combs, MD**
- **Howard Herrell, MD**

Dr. Warren McPherson from Murfreesboro and **Dr. Donald Franklin, Jr.**, from Chattanooga have been nominated for the Outstanding Physician Award for 2020 and 2021.

If you are a delegate and plan to attend, the last day to register is May 12. Visit TNmed.org/HOD for registration and hotel information. To become a delegate, contact your local medical society.

TMA's Group Health Programs Help Control Premium Costs

Our **Group Health Program** gives large medical practices and healthcare organizations better long-term control over the rising costs of health insurance. Capitalize on the stability and strength of a large number of covered individuals in a captive plan compared to a fully-insured alternative.

- **TRANSPARENCY:** Access your claims and enrollment data to make better, more informed decisions that align employee benefits with your overall mission and budget.
- **SECURITY:** Leverage the size and strength of TMA with the expertise of one of Tennessee's largest insurance agencies.
- **SAVINGS:** By participating in the program, members capitalize on the stability of 35,000+ covered individuals, meaning better long-term cost control.

Do you have less than 100 employees?

TMA's Small Group Health Solution offers cost savings through predictable monthly payments and flexible options. When your claims are lower than expected, a portion of the difference between your practice's anticipated and actual claims is credited back to you.

Participants in the Group Health Program have experienced significant savings as compared to their fully-insured premium equivalents. There is a chance we can help lower your insurance spend, too.

For information and to get a price quote, contact TMA's Director of Member Services **Christy Reeves** at 615-460-1669 or christy.reeves@tnmed.org.

TMA Leadership Completes Virtual Issues Tour with Federal Lawmakers

TMA completed 11 separate virtual meetings with Tennessee Senators and Congressional Representatives on the national issues most pressing to our members that are part of the AMA agenda. TMA President **Dr. Kevin Smith**, incoming President **Dr. Ron Kirkland** and TMA Chief Executive Officer **Russ Miller** covered vast policy terrain in their team approach.

February 23

- Congressman Mark Green's Office (District 7)
- Congressman David Kustoff (District 8)
- Senator Marsha Blackburn's Office
- Congressman Chuck Fleischmann (District 3)

February 24

- Congressman Steve Cohen's Office (District 9)
- Congressman Tim Burchett's Office (District 2)
- Congressman Scott DesJarlais (District 4)
- Senator Bill Hagerty's Office
- Congressman John Rose (District 6)

March 17 (VP of Legislative Affairs **Julie Griffin** also joined)

- Congresswoman Diana Harshbarger (District 1)
- Congressman Mark Green (District 7)

Extend the Moratorium on the Medicare Sequester

To alleviate some of the financial burden from the pandemic, Representatives Brad Schneider (D-IL) and David McKinley (R-WV) introduced H.R. 315, the **Medicare Sequester COVID Moratorium Act**, which we support. It would extend the current sequester moratorium through the end of the Public Health Emergency and provide physicians with a needed financial boost to continue delivering effective patient care. Postponing these cuts eliminates the need to periodically address the sequester via legislation and permits Congress to focus its attention on other aspects of the pandemic.

Telehealth: Lessons from the COVID-19 Pandemic

Under 1834(m) of the Social Security Act (SSA) (42 U.S.C. 1395m(m)) Medicare beneficiaries are essentially barred

from using two-way audio-visual technologies to access covered telehealth services unless they live in a rural area. With a few exceptions, even those in rural areas must travel to an eligible health care site.

Congress allowed the CMS to waive this geographic origination requirement during the COVID-19 pandemic, but is expected to reinstate the restriction after the pandemic.

Successful **adoption of telehealth technology** during this COVID era clearly shows that these outdated and arbitrary restrictions are senseless with today's technology. Physicians and patients should not be forced to stop using these tools when the public health emergency ends.

The team also advocated for the **expansion of high-speed broadband internet access** to underserved communities, as patients cannot take advantage of telehealth services if they do not have the requisite internet connection to access them.

Medical Marijuana Research

The AMA strongly supports the **"Cannabidiol and Marijuana Research Expansion Act"** to enable legitimate research evaluating the potential efficacy and safety of medicines derived from cannabis. This legislation passed the Senate with unanimous support in December 2020. Unfortunately, the bill did not pass in the House of Representatives prior to the end of the 116th Congress.

Maternal Health and Mortality

The AMA supports the **"Mothers and Offspring Mortality and Morbidity Awareness (MOMMA's) Act,"** re-introduced by Rep. Robin Kelly (D-IL-2) and Senator Durbin (D-IL), which would improve data collection, disseminate information on effective interventions, and expand access to health care and social services for postpartum women. In addition, the bill would expand coverage for post-partum care for up to one year under Medicaid and CHIP, a top priority for the AMA.



Symposium 2020 Videos Available Online

More than 17 hours of CME credits are now available via on-demand video captured during the 2020 Tennessee Healthcare Symposium.

The TMA collaborates with major insurance carriers to offer an array of educational opportunities and knowledgeable industry speakers.

There are a total of 16 videos from this event. You can purchase all three days or individual tracks through July 2021. TMA members get a discount. For more information, visit TNmed.org/Symposium2020.

Symposium is an annual event for healthcare professionals who live in the coding, billing and reimbursement worlds.

Legal Team Member Celebrates 20-Year Anniversary at TMA



We talked to Becky Morrissey about her role as a paralegal on the Advocacy Team.



1. What are most proud of accomplishing during your time at the TMA? I'm most proud of helping physicians with issues they encounter in the office or how to meet the requirements of a law. A physician spends years in training to be able to care for and help their patients. If I can assist

with an administrative burden or requirement of a law so the physician can focus on his/her patients, that is a huge success to me. It has truly been an honor to serve and assist our members over the past 20 years, and I hope that I've been an asset and a resource they can rely on for help.

2. What legal support do you think TMA members tend to overlook or not know about? I don't think a lot of our members know about all the resources available through the Legal Department. We have a Law Guide with 120+ topics and many other individual resources available on our website. If they don't have time to look up the information themselves, all they have to do is email me at legal@tnmed.org with a question, and I'll get them an answer after researching it.

3. Can you give us some examples of how you most often help members with legal matters? We have assisted practices with the following questions:

- Patient refunds and how to handle unclaimed patient refunds under Tennessee law;
- Interpreter for 1. LEP patients or parents, and 2. Deaf patient or deaf companion of a hearing patient;
- Requirement to e-prescribe controlled substances on Jan. 1, 2021;

- Developed a TMA informed consent template that complies with Tennessee law for patients receiving an opioid prescription;
- Whether or not a certified medical assistant can perform an injection or start an IV;
- Multiple questions concerning COVID-19-related issues during the pandemic regarding time off for employees who test positive for COVID-19, policy to require employees to use PPE, restrict employees from traveling during pandemic, provider relief funds access, and Paycheck Protection Program loans;
- Questions concerning patients who are minors:
 - Parents are divorced, and they disagree over treatment of the child. Whose direction does the physician follow?
 - Parents are divorced. The father wants his new wife to bring the child to an appointment, yet the child's mother does not want the new wife to make decisions about child's healthcare. How should the doctor proceed?

4. Your colleague, Yarnell Beatty, also recently celebrated his 20-year anniversary. What has it been like working together for so long? Yarnell is incredibly supportive. He has taught me so much about how to interpret law and regulations and how to explain them in writing to our members. I'm grateful that we've been able to work together so well for the past 20 years.

5. Fun Fact: How do you unwind? When I'm not working, I enjoy knitting, watching my Kentucky Wildcats play football and basketball (Go Big Blue!) and working in the yard with my flowers. My husband and I love to travel to Cape San Blas, Florida, every year with our 16-year-old dachshund, Tucker.

IN MEMORIAM

We offer our prayers and deep gratitude for all passing members. Their positive impact on their patients and profession will last forever.

James W. Pate, MD, age 92, of the Memphis Medical Society on Jan. 31, 2021.

John Barton Williams, MD, age 36, of the Memphis Medical Society on Feb. 8, 2021.

James K. Goodlad, MD, age 96, of the Chattanooga-Hamilton County Medical Society on Feb. 16, 2021.

William Edward Rowe, Sr., MD, age 90, of the Chattanooga-Hamilton County Medical Society on March 12, 2021.

Curtis B. Clark, MD, age 95, of the Consolidated Medical Assembly of West Tennessee on March 21, 2021.

Rodney Yale Wolf, MD, age 84, of the Memphis Medical Society on March 27, 2021.

Recruitment Team Requests Referrals from Members

Membership is the lifeblood of any member-driven association, so we're putting extra attention on our recruitment and onboarding processes to help ensure a positive member experience from the start.

In short, we're making it easier for prospective new members to find the information they need for their decision to join. A few of those efforts include:

- **An ongoing communications agenda that introduces the many benefits of a TMA membership.** From our top-notch legislative lobbying team and insurance services, to more product-oriented offerings like health insurance and banking products that make 401K programs and student loan refinancing more attainable, TMA has so many member benefits that we've carved them up into smaller, cadenced conversations with non-members. Prospective members seem to be responding well.
- **We're building easy-to-click engagement points at TNMed.org/membership.** One size does not fit all, and nowhere is this more true than membership motivation. Small groups have different reasons to join than large

groups, and individuals have unique needs altogether. We're packaging the TMA experience into easily identifiable segments, highlighting member benefits that pertain to common member types, and addressing common questions right on our website.

- **Launching an onboarding program to help new members integrate quickly.** The key to successful member experiences rests heavily on the first 12 months. So we're making plans for a monthly new member Zoom orientation, through which we can walk new members into their interest areas with a personalized approach. Target launch: late Q2.

All this and more is in preparation of our summer-long new member recruitment season in which **we seek your help:**

Please take a moment to connect us with a colleague or two who may not be a current TMA member. We also hope to contact practice administrators who are interested in exploring a group deal. **Simply provide their name and contact information with this form: tinyurl.com/TMArefer.** We'll take it from there!

RESULTS IN

10 Minutes

ACCURACY

98%



COVID-19 IgG/IgM Rapid Test Kit

- ✓ Easy operation for Medical Professionals
- ✓ Works with whole blood, serum, and plasma
- ✓ Tests for 2 antibodies simultaneously
- ✓ No special equipment
- ✓ Instant field screening

The 11:11 COVID Project offers COVID-19 IgG/IgM Rapid Test kits that provide results 10-minutes. It is an instant point-of-care test device for the qualitative detection of IgG and IgM antibodies specific to 2019-nCoV in human whole blood, serum or plasma specimens. FDA EUA Approved.

www.TNmed.org/RapidTest



Contact
(989) 450-8800
info@1111covidproject.com

Legal Briefs

Healthcare Law Guide

TMA's **Healthcare Law Guide**, accessible only to members, is a repository of research developed by staff addressing a multitude of legal issues impacting the practice of medicine and patient care. The Law Guide covers a host of topics in areas that include health reform provisions and mandates, state and federal laws and regulations, regulatory agency oversight, insurance contracts, reimbursement and managed care questions, staffing and personnel issues, areas of liability and responsibility, as well as ad hoc issues that physicians and practice staff have sought guidance on from the TMA. Any questions should be directed to legal@tnmed.org.

X-Ray Operators in Physician Office

Under the x-ray operator supervision rules for Tennessee, a physician assumes full control and responsibility for the services provided by any x-ray operator employed by the physician. An x-ray operator performing x-rays outside his/her licensure or working with an expired license could subject the employing or supervising physician to discipline by his/her licensing board for requiring or allowing an x-ray operator to perform outside the scope of his/her limited licensure or without current state licensure. See TMA's Law Guide topic, **X-Ray Operators**, for all of the requirements regarding the provision of x-ray services in a physician's office.

Health Care Sharing Ministries

Health Care Sharing Ministries (HCSM) are entities organized as charitable organizations that act very much like health insurance companies but do not sell health insurance products that are regulated by the state. Until 2017, HCSMs were certified by the Centers for Medicare and Medicaid (CMS). Since CMS no longer certifies them, some fly-by-night entities have created bad payment experiences for practices. Because it is almost impossible for medical practices to know if an HCSM is legitimate, practices should be wary of them and the claims they make about laws governing them. To fully understand these entities, review our Law Guide topic, **Health Care Sharing Ministries**.

Prescription Laws

TMA's Law Guide topic, **Prescription Laws**, is an exhaustive document that details the requirements in issuing and dispensing prescriptions, including material requirements, physician requirements, and reporting. It discusses in detail the requirements for issuing opioid prescriptions and the requirement to issue all controlled prescriptions electronically. Visit TNmed.org/lawguide to view the guide.



Join us for our All Member Virtual

This virtual event is held every other month to discuss issues that are relevant to members across the state. Pre-registration is required, but attendance is free.

TNmed.org/Events

TMA 401(k) Member Retirement Plan

Did you know that as a member of TMA, you, your partners and staff are eligible to participate in TMA's 401(k) Multiple Employer Member Retirement Plan? The program offers a number of key benefits for you and your practice, including:

-  Substantial savings on program administrative fees
-  Elimination of an annual audit requirement and reduce fiduciary responsibility of physicians in the practice
-  Safe harbor provisions to allow greater contribution limits
-  Complete flexibility in plan design and profit sharing
-  Assistance from certified investment specialists

For more info, contact
Kevin Rainwater

866.893.4103
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ADDRESS SERVICE REQUESTED



Move forward with us at
www.svmic.com

When a problem occurs, you need a proactive partner that can navigate unforeseen challenges and help you solve the tough legal issues that come with practicing medicine. In our collaborative claims process, our in-house attorneys and our roster of local defense attorneys help you – our valued members – to be ready for what lies ahead.

We have your
back,
so you can move
forward.

