



# POLICY OF THE TENNESSEE MEDICAL ASSOCIATION

## MISSION STATEMENT

*The mission of the TMA is to enhance the effectiveness of physicians throughout the state to protect the health interests of patients and define and promote:*

- *Quality, safe and effective medical care;*
- *Public policy to protect the sanctity of the physician-patient relationship, improve access to and the affordability of quality medical services;*
- *Ethics and competence in medical education and practice;*
- *Open communications between the medical profession and the public, fostering a better understanding of the capacities of medical practice. (4/5/2009)*

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# **POLICY DEVELOPMENT**

## **Introduction**

The House of Delegates is the legislative and business body of the Tennessee Medical Association (TMA). Each Member of the House is responsible for guiding and directing the policy of the TMA for the best interests of the people and of the medical profession in Tennessee. After deliberation on matters of concern to the Association, the House of Delegates votes on resolutions that, if adopted, reflect the policy of the TMA. The House meets annually at the TMA Annual Meeting.

## **Electronic Capabilities**

A goal of the TMA is to engage more members and be more efficient and effective in its policy making process. Therefore, once credentialed as a delegate or alternate delegate to the TMA House of Delegates, a member should supply a working email address to the TMA. Further, it is recommended that elected delegates and alternate delegates should confirm their technological capacities by registering themselves as part of the TMA Electronic House of Delegates.

## **The Certification of Delegates to the House**

Chapter III, Section 3 of the TMA Bylaws states:

Each component society shall be entitled to send to the House of Delegates each year one delegate for every fifty active, veteran, and intern and resident members, and one for every fraction thereof, based upon the number of such members in the component society in good standing as of the end of the year preceding the meeting of the House. Each component society shall also be entitled to send one student delegate from its membership to the House for each medical school in its territorial jurisdiction. Each component society holding a charter from the Association, which has made its annual report and paid its assessment as provided in the Constitution and Bylaws, shall be entitled to at least one delegate. No delegate from any chartered component society shall be entitled to be seated in the House of Delegates unless the component society which he or she represents has complied with the requirements of the Association by submitting the report to the councilor of the district in which the component society is located. Each delegate of a component society shall be a proxy representing all of the component society's members, except as to matters upon which a referendum is held as provided in Article IV of the Constitution, and the meeting of the House of Delegates shall constitute the annual meeting of the members of the Association in accordance with the requirements of the law of the state of Tennessee relating to general welfare corporations.

Chapter III, Section 4 of the TMA Bylaws states:

The members of the Association who have joined directly pursuant to TMA Bylaw Chapter 1, section B.2 shall be entitled to send to the House of Delegates each year one delegate for every fifty active, veteran, and intern and resident members who have joined TMA by direct membership and are otherwise in good standing as of December 1 of the year preceding the meeting of the House. Such delegate(s) shall be appointed by the Nominating Committee.

Chapter III, Section 13 of the TMA Bylaws states:

There shall be a Medical Student Section to provide representation for the interests of medical students within the structure of the Association. The medical students of each Liaison Committee on Medical Education-accredited medical school in the state shall be entitled to representation in the section. All representatives shall be members of the Association. The Medical Student Section shall be organized under a governing body and shall elect one delegate to represent it in the House of Delegates of the Association.

Chapter III, Section 14 of the TMA Bylaws states:

There shall be a Young Physician Section to provide for the representation of the interests of young physicians within the Association. Young physicians are defined as practicing physicians under age 40 or in their first eight years of practice. Each component society shall be entitled to representation in the section. All representatives shall be members of the Association. The Young Physician Section shall be organized under a governing body and shall elect one delegate from each region to represent it in the House of Delegates of the Association. The Young Physician Section may elect its own governing body.

Chapter III, Section 15 of the TMA Bylaws states:

There shall be a Resident and Fellow Section to provide for the representation of the interests of residents and fellows within the Association. Members of the section shall be current members who are in residency training programs in the state of Tennessee. The section shall be organized under a governing body and shall elect one delegate to represent it in the House of Delegates of the Association.

Chapter III, Section 16 of the TMA Bylaws states:

All statewide medical specialty societies that meet the requisite criteria established by the House of Delegates will be eligible for representation of one delegate and one alternate delegate who shall be members of the Association if:

- 1) The specialty society or subspecialty society is recognized by the American Board of Medical Specialties or is recognized by the American Medical Association as a practice specialty; and
- 2) The specialty society or subspecialty society has a minimum of twenty (20) members licensed and practicing in Tennessee, one-fourth of which must be members of the Tennessee Medical Association.

If 25% or more of a specialty society or subspecialty society members are members of the Tennessee Medical Association, then that society is eligible for one additional delegate and alternate delegate for each 100 TMA members of that society.

Each Tennessee Medical Association member shall designate which single specialty or subspecialty shall represent them in the TMA House of Delegates. Such designation will be in accordance with a method determined by the Board of Trustees.

## Credentials of Delegates and their Alternates

Prior to the Annual Meeting each year, TMA requests all component society presidents and secretaries to certify the names of all duly elected delegates and alternate delegates to the TMA House. The names of delegates and their alternates properly certified by their respective component societies by TMA's deadline are published in TMA's official Delegate Handbook. This handbook is mailed and/or posted on the website for all delegates in advance of the TMA Annual Meeting.

The Credentials Committee meets prior to each session of the House to establish the eligibility of all delegates and/or alternates. Those individuals entitled to be seated are:

- a) all duly certified and elected delegates;
- b) alternate delegates who are authorized to substitute;
- c) ex-officio delegates

Any other person desiring to substitute as a delegate must present documentation of election to the Credentials Committee for approval. The appropriate medical society president or secretary must sign such documentation.

## Introduction of Resolutions to the House

Resolutions submitted within two weeks of the opening session of the TMA House of Delegates will be made available to delegates/delegations electronically for their review. Further, those resolutions brought forth within two days of the opening session of the TMA HOD are required to be entered as emergency resolutions requiring 51% of the members of the HOD present to accept them as true emergencies.

Resolutions introduced into the House of Delegates should contain fiscal notes to provide the members of the House of Delegates with needed information with which to make good sound financial policy decisions; and that the TMA Board of Trustees Finance Committee, in consultation with the TMA staff, will apply cost estimates to resolutions that have actual or potential cost either directly or indirectly on the financial position of the TMA.

Only member of the House of Delegates (i.e. delegates & ex-officio delegates) have a voice in the assembly, and only delegates or ex-officio delegates may introduce resolutions to the House. Each item of business properly introduced into the House of Delegates must be adequately studied and discussed by the House before action is taken. Once a matter is introduced, the matter becomes the official business of the House and must be acted upon.

**The HOD will convene to conduct the regular business of the house and to consider all resolutions as a whole.** With the House still in session each amendment/resolution will be displayed on an overhead screen and discussed. Editorial changes or minor changes can be made as needed. More substantial amendment suggestions should be submitted to a scribe. Amendments with substantial changes will be rolled to the foot of the agenda to allow time for editing. As a last resort, unresolved resolutions are referred by the Speaker to a Special Committee on Resolutions selected by the Speaker and Vice Speaker prior to the opening session of the House.

## Bylaws Amendments and Resolutions

[Note: The House is still in session for this portion.] Each amendment is displayed on an overhead screen during discussion. Editorial changes or minor changes can be made as needed. More substantial amendment suggestions should be submitted to the scribe. Amendments with substantial changes will be rolled to the foot of the agenda to allow time for typing.

- A. Speaker introduces each amendment and entertains a motion from floor to adopt or not adopt
- B. Second to motion or motion fails
- C. Discussion of motion and discussion of motions to amend resolution, if any, and any editorial changes
- D.1. Vote taken to adopt, not adopt, or adopt as amended; **OR**
- D.2. Discussions lasting more than 10 minutes are tabled by the Speaker to the end of the resolution agenda and the speaker invites members with amendments to submit them to the scribe
- E. Further discussion of tabled amendments and resolutions, if any
- F.1. Vote taken to adopt, not adopt, or adopt as amended; **OR**
- F.2. Unresolved resolutions are referred by the Speaker to the Special Committee on Resolutions along with all submitted amendment suggestions
- G. The House will reconvene at a specified time and the order of business continues with the consideration by the House of all recommendations submitted by the Special Committee on Resolutions. Each of the Special Committee on Resolutions proposed amended resolutions will be flashed up on the overhead screen for editing, if necessary. Again, the discussion would be of amended resolutions not of any Special Committee on Resolutions report. The House proceeds in this manner until all resolutions have been addressed.

### **Responsibility of the Special Committee on Resolutions**

The Special Resolutions Committee will convene immediately following the Second Session of the House to discuss all resolutions in controversy. It does not file a report but drafts an amended resolution for submission to the House with a recommendation that the resolution be adopted, adopted as amended or, it recommends that the resolution not be adopted.

## **Format of Resolutions**

All resolutions to be considered by the House of Delegates must be presented in the format shown below. Each resolution presented for consideration is assigned a Resolution Number and an appropriate subject heading (if not provided by the author of the resolution).

**Model Resolution Form**

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TENNESSEE MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution No. (to be assigned)

INTRODUCED BY: \_\_\_\_\_

(Only delegates and ex-officio delegates may introduce resolutions. They may introduce on their own behalf, or on behalf of a society, a TMA committee, board, council, or a related organization.)

SUBJECT: \_\_\_\_\_

Whereas, \_\_\_\_\_

(Not required and not adopted. May include introductory statements briefly identifying the problem, advise the House on timeliness or urgency of the problem, the effect of the issue on the Association, and whether action would establish or modify current policy.)

**RESOLVED,** \_\_\_\_\_

(Sets forth specific intent and action.) The Resolves should stand-alone and not refer back to the prefatory statements (such as – Resolved that the Tennessee Medical Association support **such** programs or policies...) since the House adopts only the Resolves.

Sunset: \*(insert year) [*\*All resolutions, unless there is specific or implied reference to earlier time frame, would automatically expire in seven years unless reaffirmed by the House of Delegates at that time*]

*Fiscal Note: Fiscal Note Requirement on Resolutions calls for the application of cost estimates to resolutions that have actual or potential cost either directly or indirectly on the financial position of the TMA.*

## 2013 ADOPTED RESOLUTIONS

### **Resolution No. 1-13**

[Reaffirmation of Resolution No. 1-92 and 1-99]

#### **MANDATORY ACCEPTANCE OF ASSIGNMENT FOR INSURANCE**

RESOLVED, That the Tennessee Medical Association oppose the principle of mandatory acceptance of assignment as a requirement for reimbursement for the care of patients who are recipients of Medicare benefits; and be it further

RESOLVED, That the Tennessee Medical Association vigorously oppose any future effort to include mandatory acceptance of assignment as a condition for reimbursement from any government or private source.

### **Resolution No. 2-13**

[Reaffirmation of Resolution No. 22-92 and 10-99]

#### **INDIGENT CARE ACTIVITY**

RESOLVED, That the Tennessee Medical Association (TMA) through the Board of Trustees continue to encourage its members via its local component societies to provide free care and reduced cost services to the indigent and that the TMA act as a resource for the development and enhancement of such activities.

### **Resolution No. 3-13**

[Reaffirmation of Resolution No. 17-99]

#### **HOSPITALS CHARGING FOR PHYSICIAN APPLICATIONS**

RESOLVED, That application fees associated with hospital staff membership be decided by the medical staff; and be it further

RESOLVED, That any monies raised by application fees associated with hospital staff membership be used for the collective good of the medical staff and do not offset the hospital's administrative costs.

### **Resolution No. 4-13**

[Reaffirmation of Resolution No. 30-06]

#### **INDEPENDENT MEDICAL EXPERT TESTIMONY IN MEDICAL LIABILITY CASES**

RESOLVED, That the Tennessee Medical Association encourage the use of independent medical experts to advise a judge when the judge does not fully understand the medical issues involved in the case; and be it further

RESOLVED, That the Tennessee Medical Association will, when requested, provide suggestions for medical experts to advise a judge, taking into account their knowledge of the medical facts in the case, and taking care to avoid conflicts of interest such as personal, legal, or financial relationships; and be it further

RESOLVED, That the Tennessee Medical Association will support the position that any costs associated with obtaining independent medical testimony to advise a judge when the judge does not fully understand the medical issues involved in the case be taxed to the participants in the same manner as other court costs.

**Resolution No. 5-13**

**INCLUSION OF COSMETIC SURGERY IN THE STATE MEDICAL PRACTICE ACT (MPA)**

RESOLVED, That the Tennessee Medical Association support actions to expand the definition of the practice of medicine in the State of Tennessee to specifically include within it any surgical procedure performed for cosmetic or aesthetic purposes; and be it further

RESOLVED, That the legislative committee of the Tennessee Medical Association make the inclusion of cosmetic surgery in the Tennessee Medical Practice Act, a priority item for legislative action in 2013.

**Resolution No. 6-13**

**DELEGATION OF COSMETIC SURGICAL PROCEDURES**

RESOLVED, That the Tennessee Medical Association support efforts to prevent unlicensed and unsupervised cosmetic surgical procedures through legislative action and enforcement by the Board of Medical Examiners; and be it further

RESOLVED, That the legislative committee of the Tennessee Medical Association make the delegation of cosmetic surgical procedures without adequate physician supervision outside of a medical environment a priority item for legislative action in 2013.

**Substitute Resolution No. 7-13**

**EXPANDING ACCESS TO CARE**

RESOLVED, That the Tennessee Medical Association support access to affordable healthcare for all Tennesseans; and be it further

RESOLVED, That the Tennessee Medical Association supports a trial for three years to expand access to care by using Medicaid expansion funds either to subsidize uninsured residents to purchase health insurance through the Federal Insurance Exchanges or through direct Medicaid Expansion; and be it further

RESOLVED, That the Tennessee Medical Association insists that benefits to residents received via health insurance purchased through federal exchanges, be at a minimum at least comparable to Medicaid/TennCare benefits; and be it further

RESOLVED, That the Tennessee Medical Association will make itself fully available to the Governor and the state legislature to advocate for healthcare coverage in Tennessee.

**Resolution No. 8-13**

**MENTAL HEALTH SCREENING**

RESOLVED, That the Tennessee Medical Association support efforts for more state and Federal money for mental health screening and treatment in community hospitals and public health clinics.

**Resolution No. 11-13**

**MATERNAL MORTALITY REVIEW**

RESOLVED, That the Tennessee Medical Association support the establishment of a peer review protected and HIPAA compliant maternal mortality review process under the auspices of the Tennessee Department

of Health to review maternal deaths in Tennessee and make recommendations for system changes to improve health care services for women in this state.

**Resolution No. 12-13**

**REBUILDING TENNESSEE MEDICAL ASSOCIATION'S GRASSROOTS NETWORK**

RESOLVED, That each component medical society is requested to hold at least one meeting per year with their local legislative delegation to discuss issues important to physicians and our patients, and be it further

RESOLVED, That each component medical society work to identify at least two physicians per legislator who will serve as a key contact and resource to that legislator so that when important issues arise, each legislator will have constituent physicians acting as liaisons they know and trust to talk to about issues critical to organized medicine. The names of the liaisons shall be shared with the Tennessee Medical Association so they can keep these individuals informed as issues arise; and be it further

RESOLVED, That the Tennessee Medical Association legislative staff be available to participate in meetings and calls with component medical societies to assist in communications with their local legislative delegation; and be it further

RESOLVED, That the Tennessee Medical Association legislative staff report back to this body at the next meeting of this House on the grassroots activities of each component medical society as set forth in this resolution.

**Resolution No. 13-13**

**IN DEFENSE OF MEDICAL EDUCATION AND PHYSICIAN INVOLVEMENT**

RESOLVED, The Tennessee Medical Association, through its American Medical Association (AMA) delegation, petition the AMA to work with the Centers for Medicare and Medicaid Services and other federal authorities to remove the onerous language stating, "Any contribution and participation of a billable service must be performed in the presence of a teaching physician or resident..."and"...the teaching physician may not refer to your documentation of physical examination findings or medical decision making in his personal note"; and be it further

RESOLVED, That Tennessee Medical Association, through its American Medical Association (AMA) delegation, petition the AMA for a more suitable alternative that recognizes more accurate documentation of care while allowing the profession of medicine to resume educating its future colleagues in a more cost effective and efficient manner.

**Resolution No. 14-13**

**PRESCRIPTION DRUG TRANSPARENCY IN TENNESSEE**

RESOLVED, That the Tennessee Medical Association work with insurers and pharmacies in Tennessee to mandate that what patients pay for name brand medication and that of any generic equivalent be made available on the health insurer and pharmacy organizations website.

**Resolution No. 15-13**  
**TRANSPARENCY OF HOSPITAL CHARGES IN TENNESSEE**

RESOLVED, That the Tennessee Medical Association work with the health insurers and hospitals in Tennessee to draft legislation that would require insurers and hospitals to electronically post what patients pay out of pocket for hospital benefits, (“charge master”) the benefit paid by the patient’s insurance, the benefit payable by Medicare and TennCare in an easily comparable format.

## 2014 ADOPTED RESOLUTIONS

### Resolution No. 2-14

#### TENNCARE MEDICAID REFORM PROPOSAL

RESOLVED, That the Tennessee Medical Association, as part of its ongoing TennCare policy, advocate that the State of Tennessee:

- 1) Strive to increase access to health care for all of our citizens;
- 2) Keep quality patient care, not cost, at the forefront of all programmatic decisions;
- 3) Ensure that any reform of, or replacement to, TennCare health insurance take into account and include the concerns of organized medicine and be transparent, comprehensible, and uniform across all Managed Care Organizations (MCOs) in all phases of development and implementation, especially when physicians are placed in a position of financial risk;
- 4) Maintain enhanced MCO oversight and provide a grievance system that contains fair due process in order for physicians to appeal MCO or programmatic determinations that impact them; and
- 5) Refrain from policy, regulation, or payment reduction that penalizes the entire, or a large segment of, the physician community for the actions of a few who would inappropriately utilize or misuse the resources of the Program.

### Resolution No. 3-14

#### INCLUSION OF ELECTRONIC COMMUNICATIONS IN E-HEALTH REIMBURSEMENT

RESOLVED, That the Tennessee Medical Association support legislation to expand the definition of telehealth services provided to patients to include electronic means of communication and health care delivery, and be it further

RESOLVED, That the Tennessee Medical Association strongly support legislation that would require payers to reimburse all means of tele-health services provided to patients by providers; and be it further

RESOLVED, That the Tennessee Medical Association work with the American Medical Association Current Procedural Terminology (CPT) Editorial Panel for the development of CPT Codes for all electronic transmission of healthcare.

### Resolution No. 5-14

#### TREAT E-CIGARETTES IN THE SAME MANNER AS OTHER TOBACCO PRODUCTS CONTAINING NICOTINE

RESOLVED, That the Tennessee Medical Association take positive action to encourage the State of Tennessee to make e-cigarettes subject to all laws, rules and regulations affecting tobacco products.

### Resolution No. 6-14

#### RESOLUTION TO DIRECT THE DEVELOPMENT OF NARROWING PHYSICIAN NETWORKS

RESOLVED, That the Tennessee Medical Association support legislation that payers be subject to equal opportunity regulations when establishing provider networks; and be it further

RESOLVED, That the Tennessee Medical Association vigorously support transparency in the inclusion and exclusion criteria for developing networks to promote equal access; and be it further

RESOLVED, That the Tennessee Medical Association support recourse solutions for physicians who are unfairly excluded from a network.

**Resolution No. 7-14**

**NOTIFICATION OF SUBSTITUTION OF BIOSIMILAR MEDICATIONS**

RESOLVED, That the Tennessee Medical Association take positive action to promote legislation or regulation addressing prescribing issues for biologics, including requiring that both the patient and their prescribing physician be notified any time a biosimilar medication is substituted for a biologic medication and requiring that pharmacists and prescribers retain records of patients who receive biosimilars for a set period of time.

**Resolution No. 8-14**

[Reaffirmation of Resolution No. 17-93, 5-00 and 17-07]

**ADVOCACY FOR THE MENTALLY ILL**

RESOLVED, That the Tennessee Medical Association support an increase in health related services for all mentally ill patients.

## 2015 Adopted Resolutions

### **Resolution No. 1-15**

[Reaffirmation of Resolution No. 5-08]

#### **THE APPROACHING PHYSICIAN SHORTAGE CRISIS**

RESOLVED, The Tennessee Medical Association will work toward expanding residency positions and medical schools; and be it further

RESOLVED, The Tennessee Medical Association will seek to invigorate our young people's interest in medicine as a career with effective mentoring programs; and be it further

RESOLVED, The Tennessee Medical Association will partner with public and private concerns regarding a solution to the enormous individual financial burden of medical education; and be it further

RESOLVED, The Tennessee Medical Association will adopt a posture that graduate medical education (GME) must be expanded and Medicare caps on GME must be lifted; and be it further

RESOLVED, The Tennessee Medical Association will seek to build a statewide and national consensus regarding the future physician shortage crisis and exercise its responsibility to our state and country to ensure that an adequate supply of physicians will be available for our next generation.

### **Resolution No. 2-15**

[Reaffirmation of Resolution No. 9-08]

#### **REPEAL OF PROVISIONS OF THE TENNESSEE UNIFORM ACCIDENT AND SICKNESS POLICY PROVISION LAW (UPPL)**

RESOLVED, That the Tennessee Medical Association seek the repeal of relevant provisions of the Uniform Accident and Sickness Policy Provision Law (UPPL) which prevent reimbursement for medical services for alcohol and narcotic-related injuries if such repeal is recommended in the Comptroller's 2008 report.

### **Resolution No. 3-15**

#### **SUPERVISORY RELATIONSHIP NOTATION IN CONTROLLED SUBSTANCE MONITORING DATABASE (CSMD)**

RESOLVED, That the Tennessee Medical Association formally request that the Department of Health invest in upgrades to the Controlled Substance Monitoring Database (CSMD) report so that each prescription reported includes the name of the midlevel prescriber as well as the midlevel prescriber's supervising physician.

### **Resolution No. 8-15**

#### **TENNESSEE DRUG SHORTAGES**

RESOLVED, That the Tennessee Medical Association work with the Tennessee Department of Health, Tennessee Pharmacy Association, Tennessee Hospital Association, and other pertinent stakeholders to develop a state specific database for drug shortages and develop strategies to mitigate drug shortages.

**Resolution No. 9-15**  
**TENNESSEE HEALTH CARE INNOVATION INITIATIVE**

RESOLVED, That the Tennessee Medical Association pursue legislation to oversee the implementation of the Tennessee Health Care Innovation Initiative and allow Tennessee Medical Association and other pertinent stakeholders the opportunity to address relevant issues to the Legislature.

**Resolution No. 10-15**  
**HEALTH DISPARITIES**

RESOLVED, That the Tennessee Medical Association promote to physicians, healthcare providers and the communities they serve, an increased awareness, education, and intervention to reduce healthcare disparities and improve health outcomes in Tennessee.

**Resolution No. 13-15**  
**EXPANSION OF ACCESS FOR OFFICE BASED SURGERY**

RESOLVED, The Tennessee Medical Association petition the Tennessee Board of Medical Examiners to expand access to Level III office-based surgery for ASA III patients when an anesthesiologist evaluates the patient pre-operatively, develops an anesthetic plan, and is present on-site to diagnose and treat peri-operative medical issues.

**Resolution No. 15-15**  
**MAINTENANCE OF CERTIFICATION ADVOCACY**

RESOLVED, That the Tennessee Medical Association (TMA) Board of Trustees assign a committee to review and report by the Fall Board meeting, the findings of the 2015 Maintenance of Certification (MOC) survey issued by Steven W. Swann, MD, FACS and to submit recommendations, if any, of appropriate advocacy action TMA should undertake to improve the MOC process for Tennessee physicians.

**Resolution No. 18-15**  
**PATIENT CENTERED PHYSICIAN LED TEAM-BASED CARE AS POLICY OF THE ASSOCIATION**

RESOLVED, That the Tennessee Medical Association adopts as its official policy physician-led team-based care yields the highest quality; the safest patient care; and the most savings to the health care system for the citizens of Tennessee; and be it further

RESOLVED, That the Tennessee Medical Association adopt the following principles regarding physician-led team based care:

- Health care teams, no matter the setting, should be led by physicians.
- Health care teams should be led by physicians who have ultimate responsibility and authority to carry out final decisions about the composition of the team, practitioners are trained according to their unique function in the team, communication about patient care between team members is routine, and team members complete tasks to agree upon protocols as directed by the physician leader; and be it further

RESOLVED, That it be a legislative priority to introduce legislation in the Tennessee General Assembly to reflect the policy and principles of physician-led team based care.

**Emergency Resolution 1-15**  
**PROTECTION OF THE DOCTOR PATIENT RELATIONSHIP**

RESOLVED, That the Tennessee Medical Association uphold and defend the sanctity of the doctor-patient relationship and stand against legislative interference in this relationship and against unenforceable mandates.

## 2016 Adopted Resolutions

### **Resolution No. 01-16**

[Reaffirmation of Resolution No. 6-09]

#### **DISASTER PREPAREDNESS FOR THE STATE OF TENNESSEE**

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.

### **Resolution No. 2-16**

[Reaffirmation of Resolution No. 16-02 and 16-09]

#### **TENNESSEE MEDICAL EDUCATION FUND CONTRIBUTION**

RESOLVED, That the Tennessee Medical Association (TMA) add \$10 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.

### **Resolution No. 3-16**

#### **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.

### **Resolution No. 4-16**

#### **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 formula 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.

**Resolution No. 5-16**

**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".

**Resolution 6-16**

**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.

**Resolution 7-16**

**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.

**Resolution 8-16**

**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.

**Resolution 9-16**  
**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.

**Resolution 10-16**  
**LIMIT PRENATAL EXPOSURE TO OPIATES**

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

**Resolution 12-16**  
**PHYSICIAN WELLNESS**

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

**Resolution 13-16**  
**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.

**Resolution 15-16**  
**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.

**Resolution 16-16**  
**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.

## 2017 Adopted Resolutions

### **Resolution No. 01-17**

(REAFFIRMATION OF RESOLUTION NO. 21-03 and 7-10)  
**POLICY ON RISING COST OF MEDICAL EDUCATION**

RESOLVED, That the Tennessee Medical Association urge its members to contact the governor, state legislature, and the universities to urge improvement in the funding of medical education.

### **Substitute Resolution No. 02-17**

**UNIFORM PHYSICIAN CREDENTIALS VERIFICATION**

RESOLVED, That the Tennessee Medical Association make it an association priority to avail members of a process to make the completion of credentialing applications to Tennessee health care facilities and health insurance carriers measurably easier and report back to the 2018 House of Delegates as to its progress.

### **Resolution No. 04-17**

(REAFFIRMATION OF RESOLUTION NO. 12-10)  
**BOARD OF MEDICAL EXAMINERS' INDEPENDENCE**

RESOLVED, That the Tennessee Medical Association (TMA) House of Delegates strongly believes that the regulation of medicine in Tennessee could be strengthened and improved by establishing the Board of Medical Examiners as an independent entity with limited oversight by state government, and be it further  
RESOLVED, That the Tennessee Medical Association (TMA) pursue a legislative remedy that would establish the Board of Medical Examiners as an independent entity with limited oversight by state government, and be it further

RESOLVED, That the monies to support the independent Board of Medical Examiners activities come from the current license fee of individual physicians.

### **Resolution No. 05-17**

**TENNESSEE STATE PARKS "HEALTHY PARKS, HEALTHY PEOPLE"**

RESOLVED, That the Tennessee Medical Association recognize and support Healthy Parks, Healthy People program of the National Park Service and the Tennessee Department of Environment and Conservation as a valuable healing tool and a vital component of healthy living; and be it further

RESOLVED, That Tennessee Medical Association seek the support of the Tennessee Hospital Association to recognize and support the Healthy Parks, Healthy People program.

### **Resolution No. 06-17**

**MEDIA CAMPAIGN FOR PHYSICIAN-LED TEAM MODEL**

RESOLVED, That the Tennessee Medical Association Board of Trustees is urged to fund and implement a statewide media campaign to educate the public about the differences in health care providers and how to choose a health care setting that utilizes a physician-led health care team.

### **Resolution No. 07-17**

## DISCONTINUATION OF ASSOCIATION GRIEVANCE PROCESS

RESOLVED, That Tennessee Medical Association component societies and its Judicial Council cease conducting peer review; and be it further

RESOLVED, That all Tennessee Medical Association and component society bylaw provisions referencing a grievance process hereby be repealed; and be it further

RESOLVED, That Tennessee Medical Association and component society staff be instructed to direct all future grievances to the Department of Health Investigations Division.

### **Resolution No. 09-17** **DEFINITION OF A DOCTOR**

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.

### **Resolution No. 12-17** **THE IMPACT OF VIRTUAL VIOLENCE ON CHILDREN IN TENNESSEE**

RESOLVED, That the Tennessee Medical Association delegation call on state legislators to acknowledge the scientifically proven, harmful effects of media violence, particularly those of violent video games, by requiring retailers to place a warning label on violent video games whose predominant theme is killing (e.g. first person shooters). Labels would be structured to be scientifically accurate and accessible to individuals with an elementary reading proficiency. (see example.), and be it further

RESOLVED, That the "Take the Challenge" curriculum (based on Stanford's S.M.A.R.T. Curriculum) or similar evidence-based program be embraced by the Tennessee Medical Association and promoted to the state legislature for implementation as mandatory curriculum for K – 12 students within Tennessee's public schools, with participation availability for students in alternative educational settings (e.g. private school, homeschool).

#### **Example Warning Label:**

Video game violence is known by the State of Tennessee to be harmful for children. Children who play games like this tend to be more aggressive and less sensitive to the suffering of others. Addiction is common.

*Need help with your child's aggression or addiction?"*

**Resolution No. 13-17**

**WEANING PROGRAMS AND ADDICTION PROGRAMS AS A PART OF OPIOID PRESCRIBING COURSE**

RESOLVED, That the Tennessee Medical Association support inclusion of information on withdrawal and tapering of medications in the state-mandated Continuing Medical Education for controlled substances.

**Resolution No. 14-17**

**TEXTING AS APPROVED HIPAA FORM OF COMMUNICATION**

RESOLVED, That the Tennessee Medical Association delegation to the American Medical Association (AMA) propose a resolution to the June meeting of the AMA House of Delegates, working through federal agencies, to establish texting as a HIPAA-approved mode of communication embedded within electronic communication devices amongst health care providers and patient-consumers.

**Resolution No. 18-17**

**HOSPITAL OVERCROWDING**

RESOLVED, That our Tennessee Medical Association identifies hospital over-crowding as a public health issue, and will seek to form a task force with the Tennessee Hospital Association, Tennessee Department of Health, and other pertinent stakeholders to study the issue and develop mitigation strategies.

**Resolution No. 19-17**

**OPIOID PRESCRIBER RESPONSIBILITY**

RESOLVED, That our Tennessee Medical Association will work to educate prescribers about proper prescribing and the dangers of excess opiate prescribing in the acute care setting; and be it further

RESOLVED, That our Tennessee Medical Association will encourage prescribers to develop an acute pain care plan with their patients to tailor the quantity of opiates prescribed to what is expected to be consumed and the necessity to properly dispose of any unused medication; and be it further

RESOLVED, That our Tennessee Medical Association will work with the Tennessee Pharmacy Association, Tennessee Department of Health, Drug Enforcement Agency and other pertinent stakeholders to develop simpler and more convenient resources for proper opiate and other drug disposal.

**Resolution No. 20-17**

**MODIFYING AMA MISSION STATEMENT**

RESOLVED, That our Tennessee Delegation to the American Medical Association House of Delegates will present a resolution at the A-17 meeting of the American Medical Association House of Delegates requiring the American Medical Association Board of Trustees to change the American Medical Association mission statement to read “The American Medical Association promotes the art and science of medicine, the betterment of public health, and the improvement and accessibility of health care to our patients”. And be it further

RESOLVED, That this change will be accomplished and reported back to the American Medical Association House of Delegates at I-17.

**Resolution No. 23-17**  
**GME SUPPORT OF LEADERSHIP TRAINING**

RESOLVED, That the Tennessee Medical Association propose that Graduate Medical Education (GME) incorporate training pathways for leadership and/or advocacy where participation in advocacy efforts and community health activities meet milestones for physician leadership; and be it further

RESOLVED, That the proposal should emphasize participation in organized medicine and/or other physician advocacy and leadership training experiences during residency training, protecting time during residency training to allow those residents that wish to participate to do so; and developing a resident physician advocacy and leadership tract that may be completed during residency training, in any and all specialties, in order to increase awareness of such opportunities and encourage overall participation in organized medicine during residency and after its completion.

**Resolution No. 24-17**  
**THE CREATION OF INNOVATIVE OPPORTUNITIES TO IMPROVE HEALTH LITERACY**

RESOLVED, That the Tennessee Medical Association increase awareness of its members regarding the impact of low health literacy on children and adults in Tennessee by publishing an online editorial on this matter with links to supporting information on websites of coordinated school health (Department of Education) and the Tennessee Department of Health.

**Resolution No. 25-17**  
**INDEPENDENT PRACTICE OF PHYSICIAN ASSISTANTS**

RESOLVED, That the Tennessee Medical Association oppose efforts authorizing the independent practice of physician assistants in Tennessee.

**Resolution No. 26-17**  
**EMERGENCY FUNDING FOR VITAL PATIENT CARE SERVICE**

RESOLVED, That the Tennessee Medical Association urge the Governor and the Tennessee Legislature to create an emergency funding mechanism to provide an appropriate reimbursement to physicians, hospitals, and other providers for vital patient care services that would no longer be covered by the Federal government.

**Resolution No. 27-17**  
**COST OF PRESCRIPTION DRUGS**

RESOLVED, That Tennessee Medical Association urge legislation requiring that the patient co-pay or tier level of a particular drug listed in the insurance sign up period by the pharmacy benefits management be fixed at that co-pay or tier level for the remaining 12 months.

**Resolution No. 28-17**

**PROTECTING THE PROFESSIONALISM OF HOSPITAL EMPLOYED PHYSICIANS**

RESOLVED, That our Tennessee Medical Association will work with the Tennessee Hospital Association to establish best practices to directly address potential conflicts of physician employment and the professional responsibility of patient advocacy in hospitals by physicians; and be it further

RESOLVED, That our Tennessee Medical Association will work to re-establish an active Organized Medical Staff Section or committee within the Association.

## 2018 Adopted Resolutions

### Resolution No. 01-18

#### **HEALTH INSURANCE COMPANIES' USE OF BEERS CRITERIA IN PHYSICIAN RATING SYSTEMS**

RESOLVED, That Tennessee Medical Association's (TMA) American Medical Association (AMA) House of Delegates (HOD) delegation be directed to amend AMA HOD H-185.940, "Beers or Similar Criteria and Third Party Payer Compliances Activities" to actively advocate with health insurance companies not to utilize the Beers Criteria within their physician rating mechanisms, such as STARS and HEDIS quality measures; and be it further

RESOLVED, That TMA advocate with health insurance companies in Tennessee, to change the manner in which they utilize the Beers Criteria as a rating tool for physicians.

### Resolution No. 02-18

#### **CMS REQUIRED PROVIDER DIRECTORY UPDATES**

RESOLVED, That Tennessee Medical Association's (TMA) American Medical Association (AMA) House of Delegates (HOD) delegation be directed to seek change that would require Centers for Medicare and Medicaid Services (CMS) to obtain all needed information through Coalition for Affordable Quality Healthcare (CAQH) instead of requiring physicians to make quarterly entries for Medicare and Medicare Advantage Plans.

### Resolution No. 06-18

#### **LESSENING THE STIGMA AND POTENTIAL FOR NEGATIVE PROFESSIONAL CONSEQUENCES TO PHYSICIANS SEEKING MENTAL HEALTH CARE SERVICES**

RESOLVED, That the Tennessee Medical Association supports fair and transparent processes for the evaluation of a physician's mental health during licensure, credentialing and hiring or retention processes to reduce the stigma and potential for inappropriate negative professional consequences for physicians who disclose mental health conditions; and be it further

RESOLVED, That the Tennessee Medical Association will work with stakeholders to improve policies, rules and procedures and the communication about them for the evaluation of a physician's mental health during licensure, credentialing and hiring or retention processes to reduce the stigma and potential for inappropriate negative professional consequences for physicians who disclose mental health conditions; and be it further

RESOLVED, That the Tennessee Medical Association encourages the proactive use of mental health services by physicians as part of a normative lifestyle of self-care in consideration of the unique stressors they face; and be it further

RESOLVED, That the Tennessee Medical Association adopts as policy, the Quadruple Aim, which adds the goal of improving the work life of physicians as a key plank in healthcare delivery systems which have adopted the Triple Aim.

**Resolution No. 07-18**

**INCLUSION OF METHADONE IN PRESCRIPTION DRUG MONITORING DATABASES**

RESOLVED, That the Tennessee Medical Association will urge the American Medical Association (AMA) to promote federal action requiring opioid treatment programs (OTPs) to submit dispensing data to prescription drug monitoring programs (PDMPs) in accordance with state laws; and be it further

RESOLVED, That the Tennessee Medical Association will urge federal legislators to require that all healthcare entities, including opioid treatment programs (OTPs), be required to report controlled substance prescribing to prescription drug monitoring programs (PDMPs).

**Resolution 10-18**

**OVER-PRESCRIPTION OF OPIOIDS IN PATIENTS WITH CHRONIC PAIN**

RESOLVED, That the TMA engage healthcare plans to provide benefits including integrative services for patients with chronic pain; and be it further

RESOLVED, That the TMA form a task force to explore with healthcare plans alternative payment mechanisms (e.g., bundled payments, case management, and the like) to facilitate innovation in the delivery of integrative services to patients with chronic pain.

## **2019 Adopted Resolutions**

### **Resolution No. 01-19**

#### **ANNUAL STIPEND FOR ASSOCIATION PRESIDENT**

RESOLVED, That beginning with fiscal year 2006 the President of the Tennessee Medical Association receive a stipend as recognition of their service and to partially offset their loss of practice salary, to be determined by the Tennessee Medical Association's Finance Committee; and be it further

RESOLVED, That the stipend, be paid to the President of the Tennessee Medical Association in equally monthly payments beginning the first month of the term of the President of the Tennessee Medical Association (month beginning after the Annual meeting and running through the following Annual meeting).

### **Resolution No. 02-19**

#### **YOUTH DIVERSITY ON STANDING TMA COMMITTEES**

RESOLVED, That beginning in 2020, every TMA standing committee shall have at least one medical student or resident physician as a member, to be recruited by the committee chair and/or staff liaison through the respective sections, approved by the Appointment Committee, and ratified by the Board of Trustees for each term. Should the student or resident nominated to the committee be unable to attend the meeting a designee or proxy student shall be eligible to fill the role and to cast the vote on the student committee member's behalf as proxy.

### **Resolution No. 03-19**

#### **EXPANSION OF RESOURCES & PATIENT ACCESS TO TREATMENT OPTIONS FOR SUBSTANCE & MENTAL HEALTH DISORDERS**

RESOLVED, That the Tennessee Medical Association work with the State toward expanding resources and patient access to treatment options for substance and mental health disorders in all regions in the state. Resources should include a regional detoxification facility offering patients with opioid use disorder the option to elect supervised tapering and continued follow-up in a regional outpatient recovery program.

### **Resolution No. 07-19**

#### **MEDICAL RECORDS FOR CHILDREN IN FOSTER CARE**

RESOLVED, That the Tennessee Medical Association advocate that the State of Tennessee require that previous medical records be obtained for children in state custody and presented to treating providers prior to non-emergent visits to providers, and that records be transferred back to the original physician to document any medical services rendered in foster care.

### **Resolution No. 08-19**

#### **IMPROVING COMMUNICATION BETWEEN HOSPITALS & PRIMARY CARE**

RESOLVED, That the Tennessee Medical Association explore collaborating with Tennessee Hospital Association to create a pathway to notify primary care physicians by hospitals about admissions, discharges, transfers, and emergency room visits, if the patient has provided the hospital with information about their primary care physician.

**Resolution No. 09-19**  
**TRUTH IN ADVERTISING FOR CBD OIL**

RESOLVED, The Tennessee Medical Association Legislative Committee should consider legislation requiring all entities that sell CBD products in Tennessee to provide customers with a fact sheet alerting them to the possibility of positive drug testing while using CBD oil and related products.

**Resolution No. 11-19**  
**REGULATION OF PHYSICIAN-LED, TEAM-BASED, COLLABORATIVE PRACTICE BETWEEN PHYSICIANS  
AND ADVANCED PRACTICE REGISTERED NURSES**

RESOLVED, That the Tennessee Medical Association advocate for continued rules that require each advanced practice registered nurse (APRN) to be formally associated in a collaborative practice agreement with a same specialty primary physician partner along with possible secondary physician partners; and be it further RESOLVED, That the Tennessee Medical Association consider a Joint Collaborative Practice Board comprised of an equal number of physicians and advanced practice registered nurses (APRNs) to regulate the collaborative practice of medicine between physicians and APRNs.

**Resolution No. 13-19**  
**REMOTE PATIENT MONITORING FOR MANAGEMENT OF CHRONIC CONDITIONS**

RESOLVED, That the Tennessee Medical Association educate its members on the benefits and uses of remote patient monitoring as a part of telehealth; and be it further RESOLVED, That the Tennessee Medical Association advocate for defining remote patient monitoring in the Tennessee Code and advocate that remote patient monitoring by physicians be sufficiently reimbursed by health insurance entities for the management of chronic conditions; and be it further RESOLVED, That the Tennessee Medical Association draft and submit a resolution to the American Medical Association (AMA) for the promotion, definition, and reimbursement of Remote Patient Monitoring for the treatment of chronic conditions.

**Resolution No. 18-19**  
**THE FUTURE OF IMPACT**

RESOLVED, That all members of the Tennessee Medical Association Board of Trustees who are more than five years post training be encouraged to be Independent Medicine's Political Action Committee-TN (IMPACT) Capitol Hill Club Members; and be it further RESOLVED, That all TMA physicians who are more than five years post training and who serve in a leadership role including but not limited to TMA committees, TMA's Delegation to the American Medical Association, and TMA Judicial Council be at a minimum an IMPACT Sustaining Members; and be it further RESOLVED, That the TMA Board of Trustees will work with the IMPACT Committee to study the viability of IMPACT and submit a plan on how to increase funding levels and report back to the House of Delegates at this meeting in 2020.

**Resolution No. 20-19**  
**STEP THERAPY REFORM: TENNESSEE**

RESOLVED, That TMA seek state legislation requiring that when health insurance entities and pharmacy benefit managers develop step therapy protocols, they:

1. Are based on established clinical guidelines or peer reviewed and evidence-based criteria developed by independent experts with knowledge of the condition or conditions under consideration;
2. Include timelines for granting or denying submissions on step therapy protocol that are no longer than 72 hours for non-urgent and 24 hours for urgent cases, if not granted within allotted time it is deemed granted; and
3. Grant patients exemptions from step therapy protocols for one or more of the following reasons:
  - a) The required prescription drug is contraindicated or will likely cause an adverse reaction by or physical or mental harm to the patient;
  - b) The required prescription drug is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the prescription drug regimen;
  - c) The patient has tried the required prescription drug while under their current or a previous health insurance or health benefit plan, or another prescription drug in the same pharmacologic class or with the same mechanism of action and such prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event;
  - d) The required prescription drug is not in the best interest of the patient, based on medical necessity;
  - e) The patient is stable on a prescription drug selected by their health care provider for the medical condition under consideration while on a current or previous health insurance or health benefit plan. and be it further

RESOLVED, That such state legislation require health insurance entities to provide a reasonable process that includes independent reviewers to appeal any decision to deny a step therapy protocol override.

**Resolution No. 21-19**  
**TMA FUNDING FOR MEDICAL STUDENT CHAPTERS**

RESOLVED, That the TMA continue to allocate \$2,000 annually in the TMA budget to every component medical society for each active medical student chapter within their region, and that said monies be used at the discretion of the chapter leadership for campus events and conference representation with continuing and careful partnership with respective component societies; and be it further

RESOLVED, That active medical student chapters be defined as any chapter with the equivalent of a Chair or President and a Delegate and that holds at least one annual event on campus a year; and be it further

RESOLVED, That student delegates interested in attending state, regional, or national conferences begin by gaining approval from their respective medical school chapter leadership in conjunction with component medical societies; and be it further

RESOLVED, That medical student chapters be made aware of the stewardship of these funds and encouraged to work in lockstep with their component medical societies as to the effective usage of these funds for the benefit of the medical student chapters.

**Emergency Resolution 1-19**  
**RESOLUTION TO BAN THE SALE OF FLAVORED VAPE PRODUCTS IN TENNESSEE**

RESOLVED, That the Tennessee Medical Association advocate to the General Assembly that sales of flavored or menthol flavored vape products be banned in the state of Tennessee.

## **Permanent Policy of the TMA Starting in 2001**

**THE BOARD OF TRUSTEES IS OF THE OPINION THAT THE FOLLOWING  
RESOLUTIONS HAVE BECOME A PART OF TMA POLICY WITHOUT BEING  
REAFFIRMED:**

### **RESOLUTIONS ADOPTED IN 2001**

#### **Resolution No. 1-01**

[Reaffirmation of Resolution No. 2-94]

#### **MANDATORY AUTO SAFETY BELT USAGE**

RESOLVED, That the House of Delegates of the Tennessee Medical Association (TMA) encourage TMA members to authorize exemption for patients only in those instances where the safety considerations afforded by seat belt usage are outweighed by the appropriateness of restraints in relation to the patient's physical handicap.

#### **Resolution No. 2-01**

[Reaffirmation of Resolution No. 5-94]

#### **POTENTIALLY UNETHICAL CONTRACTS**

RESOLVED, That the Tennessee Medical Association admonish its member physicians not to sign contracts that place them in potentially unethical situations by rewarding them financially for not referring patients; and be it further

RESOLVED, That physicians be reminded they are the patients' advocates and have affirmative, ethical obligations to disclose to patients or referring colleagues their ownership interest in a facility or therapy prior to utilization; and be it further

RESOLVED, That physicians act unethically when they exploit the patient in any way by inappropriate or unnecessary utilization; and be it further

RESOLVED, That when a physician's commercial interest conflicts so greatly with his or her patient's interest as to be incompatible, the physician should make alternative arrangements for the care of the patient.

**Resolution No. 4-01**

[Reaffirmation of Resolution No. 8-94]

**REENTRY ASSISTANCE NEEDED BY PHYSICIANS HEALTH PROGRAM**

RESOLVED, That the Tennessee Medical Association continue to endorse and support the efforts of the Tennessee Medical Foundation's Physicians Health Program Committee to provide a reentry professional support network that effectively deals with practice deficits, including assistance in surgery, participation in medical staff seminars, and other continuing medical education activities in areas that are not necessarily the home community; and be it further

RESOLVED, That the Tennessee Medical Association (TMA) work with the Tennessee Medical Foundation (TMF) to ensure that the TMF's reentry support network include utilizing certain medical specialists and willing members of the TMA to assist in implementation of the reentry support network.

**Resolution No. 21-01**

**CONFLICT OF INTEREST STATEMENT**

RESOLVED, That members of the Tennessee Medical Association Board of Trustees and committees abstain from voting on any issue where there is a potential or realized conflict of interest.

**Resolution No. 22-01**

**MEMBER ACCESS TO TMA BOARD OF TRUSTEES**

RESOLVED, That the Tennessee Medical Association (TMA) Board of Trustees establish a set agenda item to allow members of the TMA the opportunity to bring issues before the Board and that this opportunity be regularly and widely communicated to the membership.

**RESOLUTIONS ADOPTED IN 2002**

**Resolution No. 1-02**

[Reaffirmation of Resolution No. 1-95; Reaffirmation of Resolution Nos. 3-88 and 7-88 in Combination]

**BASIC PRINCIPLES AND STANDARDS REGARDING THE DELIVERY OF HIGH QUALITY MEDICAL CARE**

RESOLVED, That the Tennessee Medical Association deplore plans which ignore the importance of health care, the patient's freedom of choice, and the value of the ongoing physician-patient relationship; and be it further

RESOLVED, That the House of Delegates of the Tennessee Medical Association (TMA) reaffirm the following basic principles about the delivery of high quality medical care:

- 1) That communication and consultation with the TMA be readily available at all times to all responsible parties having an interest in matters relating to the delivery of medical care services and to the public health;
- 2) That medical care of uniformly high quality be available to all persons living in Tennessee;

- 3) That the maintenance of high quality in medical care is of paramount importance, and that all other considerations are secondary to this goal;
- 4) That each practitioner is directly accountable for his/her professional acts and deportment to his/her patients, medical peers, and to authorized licensing agencies, and that the public interest is well protected by such accountability;
- 5) That lay (non-physician) control of, or interference with, professionally approved medical care policies and ethical practices is contrary to the public interest and should be prohibited;
- 6) That patients have the freedom of choice in choosing their physician(s) or their health care delivery system, and that physicians have the freedom of choice in accepting patients except in emergency situations, and that assignment by any third party of patient to physician or physician to patient without freedom of choice is in violation of this principle and cannot be tolerated; and be it further

RESOLVED, That the House of Delegates of the Tennessee Medical Association affirm the basic standards that managed care plans must meet in order to qualify for certification as set forth in the model American Medical Association Patient Protection Act; and be it further

RESOLVED, That the Tennessee Medical Association express and outline its concern by sending a copy of this resolution to appropriate agencies or entities responsible for authorizing and regulating such plans.

**Resolution No. 4-02**

[Reaffirmation of Resolution No. 13-95]

**TENNESSEE MEDICAL ASSOCIATION MEMBERSHIP**

RESOLVED, That the Tennessee Medical Association (TMA) reaffirm that opportunities for membership in the TMA, with its organized activities including medical education and training, employment listings in the *TMA Journal*, and all other aspects of professional endeavors, should not be denied by the TMA to any duly licensed physician because of a physician's sex, color, creed, race, religion, disability, ethnic origin, national origin, sexual orientation, or age; and be it further

RESOLVED, That the existence of the Tennessee Medical Association's policy of nondiscrimination in membership recruitment and services be made known to officers of component medical societies for their appropriate use.

**Resolution No. 5-02**

**DUES INCREASE**

RESOLVED, That, beginning with the 2003 dues year, annual dues for active members of the Tennessee Medical Association will be increased \$80.00 with analysis of the impact of this dues increase on the fiscal integrity and membership status of the organization to be presented by the Board of Trustees at the House of Delegates meeting in 2004.

**Resolution No. 6-02**

**CHARTER NAME CHANGE**

RESOLVED, That the Tennessee Medical Association House of Delegates approve a charter name change from the Memphis & Shelby County Medical Society to The Memphis Medical Society to become effective July 1, 2002.

**Resolution No. 9-02**  
**RESIDENT PHYSICIANS**

RESOLVED, That the Tennessee Medical Association establish a Resident/Fellow Physician Section; and be it further

RESOLVED, That the Tennessee Medical Association and its component medical societies vigorously pursue resident/fellow physician membership with the goal of 90% membership among the residents in this state; and be it further

RESOLVED, That when the number of resident/fellow physician members reaches at least 300 for a year, to be reviewed annually, an advisory seat to attend the Tennessee Medical Association Board of Trustees meetings be established for a resident/fellow.

**Resolution No. 15-02**  
**FISCAL NOTE REQUIREMENT ON RESOLUTIONS**

RESOLVED, That resolutions introduced into the House of Delegates contain fiscal notes to provide the members of the House of Delegates with needed information with which to make good sound financial policy decisions; and be it further

RESOLVED, That the Tennessee Medical Association (TMA) Board of Trustees Finance Committee, in consultation with the TMA staff, apply cost estimates to resolutions that have actual or potential cost either directly or indirectly on the financial position of the Tennessee Medical Association.

**RESOLUTIONS ADOPTED IN 2003**

**Resolution No. 9-03**  
**TMA REPRESENTATIVES MEETING WITH MEDICAL STUDENTS**

RESOLVED, That annually the Tennessee Medical Association (TMA) President or designee offer his/her services and time to meet with medical students of each of the medical schools across the state to promote organized medicine and TMA membership.

**Resolution No. 13-03**  
**PUBLIC SCHOOL EMERGENCY MEDICATION AVAILABILITY**

RESOLVED, That the Tennessee Medical Association work with the Tennessee Department of Education and the state legislature to promote rules allowing immediate access to emergency medications such as rescue inhalers, adrenaline and glucagon injections in the classroom when deemed appropriate by the student's physician.

**Resolution No. 26-03**

**POLICY ON PROPOSED IMPLEMENTATION OF CLINICAL ASSESSMENT EXAM**

RESOLVED, That the Tennessee Medical Association urgently contact the National Board of Medical Examiners (NBME), all organization represented on the NBME Governing Board and the Tennessee delegation to the Federation of State Medical Boards (FSMB) to request a vote against and/or suspension of the implementation of proposed Clinical Skills Assessment Exam until such time as:

- 1) The examination has been demonstrated to be statistically valid, reliable, practical, and evidence based.
- 2) Scientific studies have been published in peer review journals validating the examination for United States medical students and graduates and demonstrating that the fiscal and societal benefits of the examination justify the costs.
- 3) Testing sites are available in more reasonable geographic locations than currently proposed by the NBME; and be it further

RESOLVED, That the Tennessee Medical Association encourage the Tennessee State Medical Licensing Board to exclude the Clinical Skills Assessment Exam (CSA) from state medical licensure requirements until the exam has been reassessed.

**Resolution No. 32-03**

**PROMOTING BETTER HEALTH IN SCHOOLS IN TENNESSEE**

RESOLVED, That the Tennessee Medical Association urgently contact the Legislative Education Committee currently considering removal from public schools of vending machines which dispense no nutritious foods and give our full support for this measure; and be it further

RESOLVED, That the Tennessee Medical Association promote legislation to reintroduce mandatory physical fitness classes in all grade levels; and be it further

RESOLVED, That the Tennessee Medical Association promote legislation to introduce health classes to teach obesity and diabetes avoidance at all grade levels in Tennessee schools.

**RESOLUTIONS ADOPTED IN 2004**

**Resolution No. 1-04**

[Reaffirmation of Resolution No. 7-97 and 17-90]

**REGULATIONS OF GENDER SELECTION ABORTION**

RESOLVED, That the Tennessee Medical Association place itself on record as being opposed to abortion solely for the purpose of gender selection.

**Resolution No. 3-04**

**SYRINGE AND NEEDLE EXCHANGE PROGRAMS REAFFIRMATION OF RESOLUTION NO. 34-97**

RESOLVED, That the Tennessee Medical Association House of Delegates endorse the needle exchange program as an important public health method to help prevent the spread of HIV in intravenous drug users.

**Resolution No. 15-04**

**POLICY ON TOBACCO**

RESOLVED, That the following Tennessee Medical Association Resolutions be hereby sunset:

- 1) No. 8-99 (Reaffirmation of Resolution No. 14-92; Tobacco Use on Tennessee School System Property)
- 2) No. 23-00 (Teen Smoking)
- 3) No. 10-02 (Raising Legal Age To Purchase Cigarettes)
- 4) No. 12-02 (Tobacco Abuse In Tennessee)
- 5) No. 25-03 (Tobacco Products And Health Related Facilities)
- 6) No. 33-03 (Eliminating Smoking In Workplaces And Public Places); and be it further

RESOLVED, That the Tennessee Medical Association (TMA):

- 1) Continue to actively support legislation that would:
  - a. Make it illegal to sell tobacco products to anyone under the age of 21;
  - b. Raise the legal age to purchase cigarettes in Tennessee from 18 to 21 years of age;
  - c. Increase the cigarette excise tax, as well as taxes on other tobacco products;
  - d. Promote tobacco use prevention and tobacco use cessation efforts;
  - e. Ban the sale of tobacco and tobacco related products from any business that dispenses medications;
  - f. Ban the sale of tobacco from unsupervised vending machines.
- 2) Continue to support tobacco education and the total elimination of the use of tobacco products on school properties in Tennessee by students, faculty, administrators and visitors.
- 3) Delegation to the American Medical Association (AMA) call upon the AMA House of Delegates and the AMA Board of Trustees to solicit and support federal legislation that bans the sale of tobacco related products from any business that dispenses medications to any recipients of federal medical insurance (i.e., Medicare, Medicaid/TennCare, etc.).
- 4) Support efforts to encourage the Tennessee Legislature to make each and every state building smoke-free, including the Legislative Plaza and any other building in which state government conducts business.
- 5) Encourage the Tennessee State Legislature to pass legislation modeled on the Model Ordinance Eliminating Smoking in Workplaces and Public Places developed by the Americans for Nonsmokers' Rights and endorsed by the American Medical Association Advocacy Resource Center.
- 6) Encourage all physicians in Tennessee, and especially TMA-member physicians, to actively communicate with their legislators in encouraging their support of these efforts.

- 7) Encourage the Tennessee State Legislature to repeal legislation that preempts local smoking ordinances.

**Resolution No. 16-04**  
**TENNESSEE SEAT BELT UTILIZATION**

RESOLVED, That the Tennessee Medical Association support the enforcement of laws and policies that promote seat belt use in all the jurisdictions in the state of Tennessee.

**Resolution No. 19-04**  
**OPPOSITION TO COMPELLING MEDICAL STUDENTS TO STAY IN-STATE AND PRACTICE UNDER TENNCARE IN ORDER TO REPAY STATE MEDICAL SCHOOL SUBSIDIES**

RESOLVED, That the Tennessee Medical Association oppose any legislation that would compel graduates of Tennessee public medical schools (University of Tennessee College of Medicine and Quillen College of Medicine at East Tennessee State University) to practice in Tennessee on the completion of medical training, including a medical residency, as a condition of matriculation (New HOD Policy); and be it further RESOLVED, That the Tennessee Medical Association continue to work with the Tennessee Legislature, the Governor of Tennessee, and the respective Boards of East Tennessee State University and University of Tennessee to find creative solutions to the issues of rising medical tuition costs and the issues of lack of patient access without unduly burdening students who chose to pursue their medical education in Tennessee (Directive to Take Action).

**Resolution No. 20-04**  
**TOBACCO-FREE STATE IN PUBLIC PLACES**

RESOLVED, That the Tennessee Medical Association desires that Tennessee become a smoke-free state in all public places; and be it further

RESOLVED, That the Tennessee Medical Association seek other organizations to jointly support legislation to make it a reality that Tennessee become a smoke-free state in all public places.

**RESOLUTIONS ADOPTED IN 2005**

**Resolution No. 1-05**  
[Reaffirmation of Resolution No. 1-98 and 2-91]  
**MANDATORY SECOND SURGICAL OPINIONS**

RESOLVED, That the Tennessee Medical Association continue its opposition to mandatory second opinions whether they be imposed by private insurance companies or by federal and state funded programs.

**Resolution No. 2-05**

[Reaffirmation of Resolution No. 2-98 and 18-91]

**TRAINING CRITERIA FOR NEW PROCEDURES**

RESOLVED, That the Tennessee Medical Association support the position that training criteria for new procedures be the exclusive province of the hospital or ambulatory surgical treatment center medical staff and that Medicare and other third party payors should not seek to impose arbitrary credentialing requirements; and be it further

RESOLVED, That the Tennessee Medical Association, through its Committee on Governmental Services and Third Party Payors and other means, work with Medicare and other insurers to end the practice of imposing arbitrary credentialing requirements.

**Resolution No. 4-05**

[Reaffirmation of Resolution No. 4-98 and 7-91]

**MALPRACTICE INSURANCE**

RESOLVED, That this House of Delegates reaffirm its appreciation of the tremendous effort required to establish and maintain a sound professional liability insurance company, the outstanding manner in which all aspects of SVMIC's service and protection have been carried out, and the desire that SVMIC continue to receive the wholehearted backing and support of all component societies and physicians of Tennessee; and be it further

RESOLVED, That the Tennessee Medical Association continue with efforts to educate all members in matters related to malpractice insurance and particularly promote its exclusive endorsement of State Volunteer Mutual Insurance Company as the preferred malpractice carrier.

**Resolution No. 6-05**

[Reaffirmation of Resolution No. 6-98 and 27-91]

**INSURANCE CARRIERS' DISRUPTION OF THE PHYSICIAN/PATIENT RELATONSHIP**

RESOLVED, That the Tennessee Medical Association reaffirm Resolution No. 27-91 and exercise all advocacy avenues available to ensure that insurance carriers and managed care organizations are caring out in good faith their contractual and statutory responsibilities toward their enrollees, are refraining from imposing unreasonable restrictions on access to medical treatments deemed necessary by patients' physicians, and are not otherwise interfering with the physician-patient relationship.

**Resolution No. 11-05**

**SPECIALTY SPECIFIC FORMULARIES REAFFIRMATION OF RESOLUTION NO. 15-98**

RESOLVED, That the Tennessee Medical Association oppose medical specialty specific formularies; and be it further

RESOLVED, That the Tennessee Medical Association oppose and work to prevent third party and governmental payors, their formulary committees, and other entities that determine drug formularies and prescription authorization procedures from using physicians' medical specialty as a reason for prior approvals, denials, or increased paperwork burdens.

**Resolution No. 27-05**  
**TENNCARE POLICY CHANGES**

RESOLVED, That the Tennessee Medical Association work with practicing physicians to interact closely and regularly with the TennCare leadership to assure that policies implemented are simple and require limited disruption to physician practices in their implementation.

**RESOLUTIONS ADOPTED IN 2006**

**Resolution No. 2-06**  
[Reaffirmation of Resolution No. 4-92 and 2-99]  
**BAN OF "PROMOTIONAL DRINKING"**

RESOLVED, That the Tennessee Medical Association continue to urge the Tennessee Restaurant Association and other such trade associations to urge their member establishments not to engage in "promotional drinking."

**Resolution No. 3-06**  
[Reaffirmation of Resolution No. 5-92 and 3-99]  
**OPPOSITION TO BOXING AS A SPORT**

RESOLVED, That the Tennessee Medical Association continue to:

- 1) Educate the Tennessee public about the dangerous effects of boxing on the health of participants; and
- 2) Encourage the discontinuance as a sport of both amateur and professional boxing; and
- 3) Communicate the feeling in this area to the appropriate regulatory bodies in Tennessee.

**Resolution No. 4-06**  
[Reaffirmation of Resolution No. 9-92 and 5-99]  
**TAX ON PROFESSIONAL MEDICAL SERVICES**

RESOLVED, That the Tennessee Medical Association be opposed to any tax that singles out physicians, their practices, and their patients, because of the adverse impact upon quality care at the most affordable price.

**Resolution No. 5-06**

[Reaffirmation of Resolution No. 12-92 and 7-99]

**CONTROL OF OVER-THE-COUNTER DIET PILLS**

RESOLVED, That the Tennessee Medical Association, with the support of the Tennessee Congressional delegation, encourage the Food and Drug Administration (FDA) to ban over-the-counter diet pills except for those approved by the FDA.

**Resolution No. 6-06**

[Reaffirmation of Resolution No. 14-92 and 8-99]

**TOBACCO USE ON TENNESSEE SCHOOL SYSTEM PROPERTY**

RESOLVED, That the Tennessee Medical Association continue to actively support anti-smoking legislation, education and the elimination of the use of tobacco products on school properties in Tennessee.

**Resolution No. 12-06**

[Reaffirmation of Resolution No. 24-99]

**LUNG DISEASE EDUCATION**

RESOLVED, That the Tennessee Medical Association both as an organization and through the encouragement of its members work on programs to educate Tennesseans about chronic lung disease and the inherent long-term risks of smoking tobacco products.

**Resolution No. 15-06**

**CODE OF CONDUCT FOR PHYSICIANS EXPERT TESTIMONY**

RESOLVED, That the following be adopted as Policy of the Tennessee Medical Association regarding code of conduct for physician expert testimony.

- 1) A physician expert witness shall be an impartial educator on the subject of the practice of medicine.
- 2) A physician expert witness shall represent and testify to the practice behavior of a prudent physician giving different viewpoints if such there are. The expert should not present his or her own views as the only correct ones if they differ from what might be done by other prudent physicians. The expert should identify as such personal opinions not generally accepted by other physicians. The expert shall with reasonable accuracy state whether a particular action was clearly within, clearly outside or close to the margins of the standard of care.
- 3) A physician expert witness shall review all pertinent available medical information about a particular patient before rendering an opinion about the appropriateness of medical or surgical management of that patient.
- 4) A physician expert witness shall have sufficient knowledge of and experience in the specific subject of expert opinion services to warrant designation as an expert. The expert should provide the forum with accurate and documentable opinions on the matter at hand.
- 5) A physician expert witness should be impartial and champion only what he or she believes to be the truth. The expert shall not be evasive, answering all properly framed questions pertaining to his or her opinions on the subject matter thereof.

- 6) A physician expert witness shall not accept a contingency fee. Charges for medical expert opinion services shall be reasonable and commensurate with the time and effort given to preparing and providing those services, and further be it, and be it further

RESOLVED, That violation of the policy code of conduct for physician expert testimony be included as a grounds for disciplinary action in the Tennessee Medical Association Peer Review Procedures Booklet.

**Resolution No. 27-06**  
**EMERGENCY RESOLUTIONS**

RESOLVED, That resolutions submitted within two weeks of the opening session of the Tennessee Medical Association (TMA) House of Delegates be made available to delegates/delegations electronically for their review; and be it further

RESOLVED, That resolutions brought forth within two days of the opening session on the Tennessee Medical Association (TMA) House of Delegates (HOD), be required to be entered as emergency resolutions requiring 51% of the members of the HOD present to accept them as “true emergencies, and be it further

RESOLVED, That the Speaker and Vice-Speaker of the Tennessee Medical Association (TMA) House of Delegates (HOD) appoint a committee of the HOD to review its current operations, paying particular attention to requiring deadlines for submission of business presented to the HOD for action, and other processes that could be streamlined to improve the efficiency of the HOD operations.

**Resolution No. 34-06**  
**CESSATION OF USE OF THE TERM "PROVIDER"**

RESOLVED, That as of today, every reputable physician who is legally licensed and registered in Tennessee under Title 63, Chapters 6 or 9 of the Tennessee Code Annotated, or any other state of the United States, who is practicing or who will agree to practice medicine or osteopathy will no longer be "providers"; and be it further

RESOLVED, That henceforth:

1. The Tennessee Medical Association (TMA) and its associated organizations will not utilize the terms "Provider" or "healthcare Provider" in any communications
2. Instead, all communications by the Tennessee Medical Association (TMA) and its associated organizations to physicians and regarding or concerning physicians will henceforth contain the terms: Physician, Physicians, Doctor, Doctors, M.D. M.D., or DO
3. The Tennessee Medical Association (TMA) and its sister societies will pledge to further work to vigorously demand the same consideration for its physicians from all other health care entities (i.e. hospitals, insurance companies etc.)
4. The Local, State and National media will be educated on this issue and on the vital importance to quality of national medical care of educating future generations of DOCTORS and PHYSICIANS instead of future generations of PROVIDERS.

## RESOLUTIONS ADOPTED IN 2007

### **Resolution No. 1-07**

[Reaffirmation of Resolution No. 3-93 and 1-00]

#### **HEALTH INSURANCE CLAIMS ADMINISTRATION**

RESOLVED, That the Tennessee Medical Association Board of Trustees develop and support legislative efforts to preclude health insurance carriers from delaying patient treatment because of unnecessary, redundant, or inefficient and non-uniform certification and claims' processing requirements; and be it further

RESOLVED, That a copy of this resolution be sent to the Tennessee Commissioner of Commerce and Insurance, and to health insurance carriers licensed to issue health policies in Tennessee, and that it be presented to the American Medical Association.

### **Resolution No. 3-07**

[Reaffirmation of Resolution No. 19-93 and 7-00]

#### **MAINTAINING THE TMA CONTRIBUTION TO THE TENNESSEE MEDICAL FOUNDATION PHYSICIANS HEALTH PROGRAM**

RESOLVED, That the Tennessee Medical Association continue to provide financial support to the Tennessee Medical Foundation's Physicians Health Program at the level of \$30 per dues paying member, and thereby help ensure the Program's ability to provide complete physician health services statewide through a full time medical director and at least three part-time assistant medical directors.

### **Resolution No. 10-07**

#### **PRINCIPLES FOR STORE-BASED HEALTH CLINICS (MINUTE CLINICS)**

RESOLVED, The Tennessee Medical Association support regulation that would require store-based health clinics to:

- 1) Have a well-defined and limited scope of clinical services, consistent with state scope of practice laws.
- 2) Use standardized medical protocols derived from evidence-based practice guidelines to ensure patient safety and quality of care.
- 3) Establish arrangements by which their health care practitioners have direct access to and supervision by those with medical degrees (MD and DO) as consistent with state laws.
- 4) Establish protocols for ensuring continuity of care with practicing physicians within the local community.
- 5) Establish a referral system with physician practices or other facilities for appropriate treatment if the patient's conditions or symptoms are beyond the scope of services provided by the clinic.
- 6) Clearly inform patients in advance of the qualifications of the health care practitioners who are providing care, as well as any limitation in the types of illnesses that can be diagnosed and treated.
- 7) Post the name and Tennessee medical license number and medical specialty and contact information for the supervising physician for the clinic location.

- 8) Establish appropriate sanitation and hygienic guidelines and facilities to ensure the safety of patients.
- 9) Use electronic health records as a means of communicating patient information and facilitating continuity of care, *including giving patients the option of having a copy of their medical record transmitted to their primary care physician of record.*
- 10) Encourage patients to establish care with a primary care physician to ensure continuity of care.

**Resolution No. 11-07**  
**INSURANCE FOR MOTORCYCLISTS**

RESOLVED, That the Tennessee Medical Association continue to support mandatory use of helmets for all motorcycle use.

**Resolution No. 14-07**  
**QMP PROJECT**

RESOLVED, That the Tennessee Medical Association strongly opposes deferral of care unless follow-up networks are well-defined, operative and capable of caring for patients in a timely manner; and be it further.

RESOLVED, That the Tennessee Medical Association strongly opposes the institutional imposition of ongoing liability on physicians resulting from instances where patients are deferred for non-emergent care; and be it further

RESOLVED, That the Tennessee Medical Association recommend that very specific and concrete standards be adopted by hospitals to insure patient access to an alternate setting for the purpose of receiving timely and appropriate treatment.

**Resolution No. 18-07**  
 [REAFFIRMATION OF RESOLUTION NO. 26-00]  
**TENCARE FAIR PAYMENT**

RESOLVED, That the Tennessee Medical Association strongly encourage the TennCare Bureau and its component managed care organizations to utilize actuarially sound reimbursement rates from an independent source that reflects the actual costs for rendering services to patients.

**RESOLUTIONS ADOPTED IN 2008**

**Resolution No. 3-08**  
**INSURANCE COMPANY RATINGS OF PHYSICIANS**

RESOLVED, That Tennessee Medical Association's (TMA) official position regarding health plan physician rating and tiering initiatives is that such initiatives based or weighted primarily on claims data is a flawed methodology and is misleading to the public.

**Resolution No. 7-08**

**MEMBER EDUCATION ON MEDICARE RECOVERY AUDIT CONTRACTORS**

RESOLVED, That Tennessee Medical Association continue to educate its members regarding their rights during Program Safeguard Contractor surveys and Recovery Audit Contractor audits; and be it further RESOLVED, That the Tennessee Medical Association advocate for initiatives to simplify the tedious appeals process available to physicians and advocate that physicians be able to recover their legal expenses proportional to the amount of the alleged improper payments that are overturned on appeal.

**Resolution No. 8-08**

**IMMUNIZATION OF TENNESSEE CHILDREN**

RESOLVED, That the Tennessee Medical Association work closely with the Tennessee Chapter, American Academy of Pediatrics (AAP) and the Tennessee Academy of Family Physicians (TAFP) on efforts to reach the Tennessee Department of Health's goal of immunizing Tennessee's children.

**RESOLUTIONS ADOPTED IN 2010**

**Resolution No. 2-10**

[Reaffirmation of Resolution No. 26-96 and 3-03]

**FREEDOM OF LOCAL GOVERNMENT ACT**

RESOLVED, That the Tennessee Medical Association encourage the Tennessee General Assembly to enable local governments to establish their own tobacco control ordinances.

**Resolution No. 6-10**

[Reaffirmation of Resolution No. 12-03]

**PHYSICAL EDUCATION IN SCHOOLS**

RESOLVED, That the Tennessee Medical Association take a positive stance on increasing physical education in schools and work with other organizations such as the American Heart Association in promoting and backing legislation favoring increased physical education in schools.

**RESOLUTIONS ADOPTED IN 2011**

**Resolution No. 4-11**

**TMA POLICY ON PAYMENT TO PHYSICIAN FOR CALL COVERAGE**

RESOLVED, That the following be adopted as official policy of TMA:

- 1) Each hospital organized medical staff should adopt bylaws, policies and procedures to address the question of responsibility for unassigned call; both on an emergent basis and non-emergent inpatient basis, to make sure that these patients receive proper care
- 2) The Tennessee Medical Association supports the development of core credentials for each specialty, approved by hospital medical staffs, in an attempt to balance the need for general call coverage and specialization, and to ensure a clear understanding of what is expected of credentialed physicians regarding call coverage;
- 3) The Tennessee Medical Association supports the right of organized hospital medical staffs to make best efforts to schedule physician members to take unassigned call in their core privilege areas; however, the TMA opposes any requirement for care beyond stabilization and appropriate referral of patients requiring care that is beyond the normal practice parameters of physicians who have limited their practice to a subspecialty;
- 4) The Tennessee Medical Association supports payment by hospitals to physicians who are on-call to provide care to indigent and unassigned patients in hospital emergency departments.

The Tennessee Medical Association supports payment by hospitals to physicians provide on call care to indigent and unassigned patients in hospital emergency departments.

**Resolution No. 12-11**

**AESTHETIC MEDICAL AND SURGICAL PROCEDURES AS THE PRACTICE OF MEDICINE IN THE STATE OF TENNESSEE**

RESOLVED, That the Tennessee Medical Association support actions to expand the definition of the practice of medicine in the State of Tennessee to specifically include all actions which treat or professes to diagnose, treat, operates on or prescribes for any physical ailment or any physical injury to or deformity of another **or to enhance the aesthetic appearance of another** and be it further

RESOLVED, That the legislative committee of the Tennessee Medical Association make the identification and regulation of medical spas which are not part of a physician’s office or part of a regulated outpatient surgical center a priority item for legislative action in 2012.

**RESOLUTIONS ADOPTED IN 2014**

**Resolution No. 01-14**

**Corporate Communication Strategies**

RESOLVED, That this House of Delegates affirm its acknowledgement that strategic planning and communications preparedness is paramount to the effectiveness of the Tennessee Medical Association; and be it further

RESOLVED, That the \$35 dues increase initially adopted in 1993 is now permanent; and be it further

RESOLVED, That Resolution 2-07 “Continuation of the Community Awareness Resource and Education “CARE” Program” is replaced by Resolution No. 1-14 “Corporate Communication Strategies” establishing permanent policy.

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