



Topline

Newsletter of the Tennessee Medical Association

Issue
04
July/August 2020

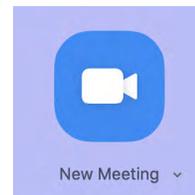


What's Inside

Symposium 2020

Early bird registration is now open with discounted rates for November's Symposium.

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Education of All Forms

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Legislative Maneuver

The many moves our legislative team makes as bills become law.

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FROM the PRESIDENT

Voice. One thing we have all witnessed recently is that those with louder voices tend to be heard while the views of more silent voices may not. One hundred and ninety years ago in 1830, forty-seven Tennessee physicians drove carriages and rode horses to Nashville to form the Medical Society of the State of Tennessee, the forerunner to the TMA which gave voice for our profession in a frontier state. Since that time, our association has witnessed cholera and yellow fever epidemics, a civil war, two World Wars, a major influenza epidemic in 1918, meaningful and much needed changes with women's suffrage and civil rights movements, terrorist attacks, and now a prolonged coronavirus pandemic. Through all this time, the TMA has consistently advocated for important issues that impact our ability to practice medicine and care for our patients, and 2020 has been no different.

As your TMA President, my main goal for this year will be to give you voice as physicians and work to strengthen our collective voice in Tennessee. Despite the pandemic and three sessions of the General Assembly, we were able to defeat a bill from the nurse practitioners requesting independent practice without physician collaboration, pass a telemedicine bill to allow us to continue to see patients online with pay parity for at least the next 18 months, and get liability protection for issues related to COVID-19. We have advised Governor Lee and Tennessee mayors concerning coronavirus shut-downs, re-openings, PPE, and masks. Now we face new challenges for 2021 including preventing insurance companies from having inadequate networks and mandating insufficient payment rates for out of network physicians with balance billing, continued manipulations of drug pricing with PBMs, barriers to tests and treatments we deem necessary with prior authorizations, and multiple scope of practice challenges by NP's and other non-physician groups. Further, we must

now work with CMS and TNCare to find a new funding formula for over 2,000 Graduate Medical Education positions in our state. We need a louder voice to protect our patients and our profession.

With the cancellation of the remainder of the 2020 TMA House of Delegates, I am planning a state-wide TMA town hall meeting in late September to discuss these and other issues and consider how members might increase their voice through our Association. I also hope to provide more opportunities for member engagement and leadership at the state and local levels. The TMA Board has proposed significant discounts for new individual members to encourage our colleagues to join with us and add their voices. Our Resident/Fellow and Medical Student Sections continue to thrive, and I hope to revive our Young Physician Section again.

The TMA is our medical association and our state-wide voice and depends on us to make a difference. Get involved, ask a colleague to join, attend a local medical society or ZOOM meeting, vote in our elections in February, consider serving on a committee or as a Delegate in 2021, donate to our political action committee (IMPACT), meet your local legislator and join our grassroots efforts, attend our Day on the Hill or be the Doctor of the Day at the Capitol, submit an article to our Topline newsletter, or follow and join our conversation on Twitter, Facebook, and LinkedIn. Do what you can to stay informed and make your voice heard.

Together we can make a difference with a stronger and louder collective voice. I look forward to working with each of you in the year to come. Thanks for all you do every day and for supporting the Tennessee Medical Association.



M. Kevin Smith, MD, PhD, MMHC, FACP
2020-2021 TMA President

Telehealth and Limiting Pandemic Liability: How We Got There

TMA's recent legislative victories are as big as they come, but many members don't realize all the roads we travel to get them.

Telehealth began in 2018 as a TMA initiative which organized insurance companies resisted. This early defeat helped TMA recruit a coalition of THA, Vanderbilt, Disability Coalition and various physician specialties to build a collaborative plan for a bill. Countless stakeholder meetings helped vet potential legal and professional challenges and identify key Legislators to sponsor the bill.

Ultimately, the bill was again subverted by the insurance industry, which fought against pay parity to providers. The issue stalled until 2020 when we helped convene stakeholders for legislators who sought more compromise.

Then out of the blue: a pandemic would propel the issues of telehealth at the very moment we were advocating them. Our advocacy team quickly ramped calls to action and connected constituent providers, patients and practice managers with legislators to appeal for support. In-district grass tops meetings helped publicize the need for telehealth access. Media and podcasts were incorporated, too.

Meanwhile, each advance in the House felt offset by an obstacle in the Senate. Then, with unprecedented urgency at the end of March, the General Assembly broke due to COVID-19.

Advocates continued to champion telehealth at the same time legislators raised concerns about frivolous COVID-19 claims. TMA quickly joined a coalition for protecting businesses and healthcare providers from bogus claims.

The two issues converged when the general assembly returned in June. An amendment was filed to address liability, but Legislators took no action. Pleas from physicians, patients and industry continually sought executive orders from Governor Lee on the two issues. Several anxiety-ridden weeks passed before Gov. Lee called a Special Session. The long, tough, and persistent slog of our legislative team had clearly paid off days later with a deal for both Telehealth Payment Parity and emergency protections against frivolous COVID liability claims.

Tennessee Healthcare Symposium, Nov. 10-12

Early bird registration is open for the second annual Tennessee Healthcare Symposium, a three-day insurance workshop designed for practice managers, coders, billers, auditors and other medical office staff who are focused on efficiency and financial success.

TENNESSEE HEALTHCARE SYMPOSIUM

Last year's popular Tennessee Healthcare Symposium brought together 500 attendees over one day. This year, our multi-day virtual event bridges full remote

access, 31 outstanding industry speakers across 21 unique sessions and up to 17.5 CEU and CME credits for full participation (upon approval).

Symposium 2020 features Hodgen Mainda, Tennessee's Commissioner of Commerce and Insurance as the keynote opener to more than 20 outstanding industry speakers through 12 unique educational sessions and eight plan update sessions.

"We are very excited that Commissioner Mainda will kick off this year's event," said event producer Karen Baird, TMA's Director of Insurance. "He is the first Tennessee Commissioner to engage in this type of event with TMA, and it's clear that he's working to change the perception of payor bias when physicians file complaints in Tennessee."

Commissioner Mainda has agreed to take questions at the end of his session on this and other topics. Attendees can submit questions by email for Commissioner Mainda during to karen.baird.tnmed.org by Oct. 31.

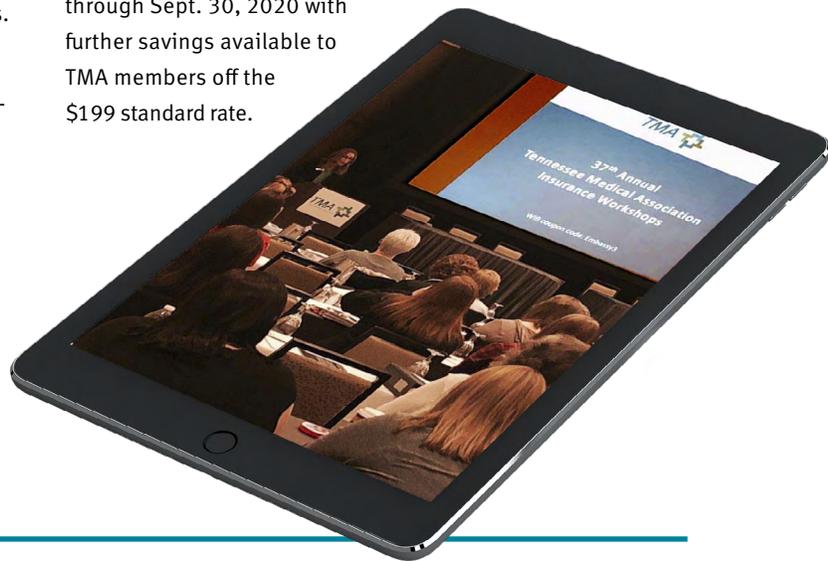
Major insurance carriers BCBST, Cigna, United Healthcare, Palmetto, Humana, Ambetter, TennCare MCOs, and TennCare will also take part, with overview sessions dedicated to 2021 changes and updates to the payor plans.

This event will provide useful information and suggestions on how to overcome post-pandemic challenges related to audits, revenue cycle management, and telehealth.

Seminar topics will range from TennCare and telemedicine, to coding and documentation, social determinants and episodes of care. Attendees will engage with payers in virtual chat rooms for help with claims issues, disputes and appeals, prior authorization and more. To register, follow the link off our main event page.

The 2020 Tennessee Healthcare Symposium is a collaborative event between the Tennessee Medical Association and major insurance carriers offering an array of educational opportunities to enhance medical staff knowledge and practice impact.

This year's virtual format has numerous built-in savings including less expenses and time put into travel, as well as lower costs typically associated with CEU and CME credits. Early registrants will enjoy discounts through Sept. 30, 2020 with further savings available to TMA members off the \$199 standard rate.



COVID Survey

TMA is gathering data on the impact this pandemic is having on you and your practice. This is a NEW survey to compare results to March and April data.

We will use this information to help gauge issues facing members to develop programs and services to help you. Our 20-question survey takes less than five minutes. <https://www.surveymonkey.com/r/TMAcovid19b>.

COVID RESOURCES:

We regularly update our Coronavirus Resource Center where you'll find fact sheets, legal and policy guidance, case prevalence maps and other COVID-related materials linked off our homepage at TNmed.org. You'll also find our popular COVID-19 News Updates which consolidate the more significant local and state COVID developments each week. This content is sorted by interest area so if you seek something specific and don't find it, drop us an email to legal@tnmed.org to discuss your need.

House of Delegates Update

The most recent news regarding your House of Delegates involves the cancellation of the scheduled October 17 meeting due to COVID precautions.

While the rate of spread of the COVID-19 virus is dissipating in areas of the state, we cannot in good conscience authorize the large, in-person assemblage of our physician leaders at this time and do not believe that the environment will improve to a point where delegates will feel safe to participate in a meaningful, productive meeting.

We risk the health of our members and the credibility of our organization by doing holding a large in-person meeting.

Our 2021 Annual Meeting and House of Delegates is slated for April 9-12, 2021. Any resolutions submitted for 2020 will be carried forth if that is the will of the author. Instructions regarding new resolution submission will be posted on the HOD website in 2021 and communicated to the members or the House.

July House of Delegates Recap

In July, the 185th House of Delegates, and ensuing Board of Trustees meeting, involved more than 100 participants either online or in person from the Hilton Franklin/Cool Springs location throughout the weekend.

The organization transitioned its president position to **Dr. Kevin Smith (Nashville)** *top row left*, from **Dr. Elise Denny (Knoxville)** *top row middle*, and formally ratified **Dr. Ron Kirkland (Jackson)** *top row right*, to his role as President Elect. Other governance transitions

include new officers **Dr. Tim Wilson (Knoxville)**, *bottom row left*, as board Chair, **Dr. Jamie Cates (Cookeville)**, *bottom row middle*, as Vice Chair and **Dr. John McCarley (Chattanooga)**, *bottom row right*, as Secretary Treasurer.

Members newly named to the Board:

Dr. Adrian Rodriguez (Nashville), Region 4 Board Representative;
Dr. Pamela Murray (Jackson), Region 2 Board Representative;
Mr. Daniel Pereira, (Vanderbilt), Medical Student Section



COVID-19 Continuing Activities

The TMA is developing a comprehensive member-facing messaging campaign to clarify the organization's position on COVID-related matters. As the board voted, staff is presently drafting a forward-looking communications strategy.

Team Created to Engage on State GME Matters

The State was recently informed that it must redraft its protocol for funding GME. At risk is a 2-to-1 match from the federal government. The Board voted to issue a letter to the Administration and TennCare Bureau communicating TMA's concern and desire to be intricately involved in the GME funding redesign discussions as they impact future Tennessee physicians and patient care. The Board further voted to appoint a physician leader and staff member (Julie Griffin) to lead this initiative and recruit other members to assist.

Strategic Planning

Traditionally, summer is TMA strategic planning time, so the weekend's strategic discussions about organizational structure, state and component societies functions, and relative costs involved all were well timed. Participants considered numerous concepts to streamline and align the entire organization more but could not reach consensus over the weekend. Plans are to hold a facilitated session at a later date to include a broader section of the membership.

IN MEMORIAM

Our prayers and deep gratitude for all passing members; their positive impact on their patients and profession will forever be.

Clair Edward Cox, MD, age 86, of the Memphis Medical Society on July 9, 2020

J. Patrick Dilworth, MD, age 62, of the Chattanooga-Hamilton County Medical Society, on August 10, 2020

Robert Vance Russell, MD, age 83, of the Nashville Academy of Medicine, on July 29, 2020

Donald Edwin Wallis, MD, age 89, of the Knoxville Academy of Medicine, on August 5, 2020

SAVE THESE DATES

COVID-related CME Education, FREE to members for a limited time

TMA is dedicated to members' success in addressing the professional issues and demands of COVID-19. In doing so, we're offering a number of COVID-related CME Accredited videos FREE to members for a limited time.

Patients with underlying health conditions such as lung cancer or obesity are at greater risk for infection or complications from COVID-19. These patients can require special attention since symptoms of COVID-19 infection are often similar to common adverse impacts of other treatment or conditions.

"Lung Cancer and COVID-19 in the Outpatient Setting: What Clinicians Need to Know" will provide clinicians with the most up-to-date guidance on managing lung cancer during the current pandemic, including the pathophysiology of Sars-Cov-2, the risk of infection in patients with lung cancer, some similarities between COVID symptoms and lung cancer side effects, and strategies to manage patient care and counsel through telemedicine. **September 15, 29 and October 15.**

"Obesity and COVID-19 in the Outpatient Setting: What Clinicians Need to Know" will provide information clinicians need to appropriately advise patients with obesity on how to avoid infection, the pathophysiology of COVID-19, how to monitor

patients who develop COVID-19, how to recognize and manage complications as they occur in order to minimize morbidity and mortality, and finally the Pathophysiology of COVID-19. **September 17.**

Each program is certified for AMA PRA Category 1 Credit.™ For more details on either program, visit tnmed.org/education.

Free On-Demand CME Covers Diversity in Medicine

While the health of Americans has improved overall through the last century, people of color experience historically worse health outcomes despite these gains. Hypertension, myocardial infarctions, strokes, heart failure, and chronic kidney disease all lower life expectancy for African Americans, and Native Americans are besieged by diabetes and infant mortality.

The **"Eliminating Racial Disparities: What Can You Do?"** webinar will provide physicians with an understanding of the causes of these healthcare disparities and tools to help achieve healthcare equity. Topics will include the social determinants that may place certain patients at risk for poor outcomes, the effects of racial/ethnic differences between healthcare providers and patients on patient outcomes. Attendees will receive access to resources that can assist at-risk patients in improving their health outcomes

This program is certified for AMA PRA Category 1 Credit.™ For more details, visit tnmed.org/education.

Tennessee Medical Education's Scholarship Fund Tops \$3 Million in Distributions

As a new academic year begins with sputters and starts, the Tennessee Medical Education Fund (TMEF) has processed \$144,000 in scholarships to 53 medical students attending five medical schools in 2020.

The 2020 scholarships bring TMEF's financial aid total to \$3.2 million since 1997, more than \$5.5 million over the lifetime of the scholarship program.

Of note in this year's scholarships class is an increase in applicants and funding to Meharry Medical College students. This was made possible by the influential work of the active Student Leadership Summit which originated on campus last year.

Last year, \$126,000 in scholarships were awarded to 41 medical school students in four Tennessee medical schools.

The Board sincerely appreciates the continuation of TMA's contribution of \$10 per regular dues-paying member of TMA to

the TMEF, as adopted by the TMA House of Delegates in 2002 Resolution No. 16-02 ("Tennessee Medical Education Fund [TMEF] Contribution").

Scholarships range from \$1,000 to \$10,000 per year and are entirely "need based" without regard to course of study, academic performance or year of school. Funds are restricted for medical school expenses only and are disbursed directly to the medical school in which the applicant is enrolled.

TMEF is an independent, nonprofit 501 (c) 3 corporation, created by the Tennessee Medical Association in 1963 with the purpose to provide scholarships to students enrolled in an accredited medical school within the state of Tennessee.

Applications become available in January each year with a submission deadline of April 15, 2021. One half of distributions are mailed in July of each year, the second in January. Any TMA component medical society or medical specialty society in Tennessee interested in establishing a named scholarship through the TMEF should contact a TMEF Board member, or TMA staff liaison, Beth Lentchner.

LEGAL BRIEFS

e-RX controlled substances

Beginning January 1, 2021 any prescription for a Schedule II, III, IV or V controlled substance must be issued by the prescriber as an electronic prescription to the pharmacy unless the prescription falls under one of the exceptions. See our Law Guide topic titled, Prescriptions, for more details on this requirement.

Provider Relief Fund Reporting

Any physician receiving a payment of more than \$10,000 from one of the Provider Relief Funds will have to submit a report to the U.S. Health and Human Services (HHS). The reporting system will be available beginning 10/1/2020. Reports must be filed by 2/15/2021 on expenditures made through 12/31/2020. If you do spend all of the money you received by 12/31, a second report must be filed by 7/31/2021. The reporting instructions and data collection template are not yet available.

Provider Relief Fund—Taxable

Department of Health and Human Services recently issued guidance addressing whether or not a payment from the Provider Relief Fund is taxable. See the FAQ section (p. 12) of TMA's Fact Sheet on COVID Loans and Financial Information.

COVID – Masks Required in the Office

Can I require my employees to wear a mask or PPE at work? TMA Legal Department researched this topic, the details of which are posted in the COVID Resources area of our website.

Continuing Medical Education (CME)

Physicians who renew their Tennessee medical license in 2021 must complete the 40 hours of CME required by the Board of Medical Examiners (BME) by December 31, 2020. The BME requirement includes a two-hour prescribing practices course with instruction in controlled substance prescribing and the treatment guidelines developed by the Department of Health on opioids, benzodiazepines, barbiturates, and carisoprodol, and may include such other topics as medicine addiction, risk management tools, and other topics. TMA offers a proprietary, accredited proper prescribing course that meets all BME requirements for physicians and their prescribing staff. Learn more at tnmed.org/prescribing. Contact the TMA legal department at legal@tnmed.org with any questions regarding CME compliance.

COVID Workplace FAQs

What should I do if an employee tests positive for COVID-19? Is there a requirement for notification to patients? Review COVID-19 Workplace FAQs from the TMA Legal Department at [Link Required, MThien]

Retiring Physician Manual

TMA and SVMIC offer a manual to help physicians successfully navigate retirement or closing a practice. Any physician planning to retire or close a practice should begin making plans at least 12-15 months before the last day of patient care. The Retiring Physicians Manual was endorsed by the Tennessee Board of Medical Examiners, the licensing board for medical doctors in Tennessee.



IMPACT is the political action committee (PAC) established by TMA to financially support candidates who understand the challenging issues facing

medicine. Contributions to IMPACT are a part of what makes TMA the most influential advocacy organization in Tennessee.

How influential? Here are a few examples:

- MPACT has a 95.5% lifetime winning record among political candidates it has financially supported.
- In this most recent election cycle, IMPACT contributed to four of the five TMA member physicians who were up for reelection. IMPACT always strives to max out donations for our physicians.
- IMPACT candidates won 22 out of 23 races in August.

- IMPACT supported three physician spouses, as well as bill sponsors, issue champions and leadership. We also supported two nurses in the House who oppose independent practice.

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

You have time to contribute to IMPACT and make your mark on the November 3 General Election. Visit tnmed.org/IMPACT today to join as a Capitol Hill Club member, Advocate Club

Fast Fact: Currently, only 4% of TMA members contribute to IMPACT. If every TMA member donated \$100, IMPACT's influence and reach would quadruple.

TMF Boosts Engagement and Resource Connections with Online Mental Health Screening Tool.

Six months after launching a new online mental health screening tool, the Tennessee Medical Foundation (TMF) is seeing engagement rise from Tennessee health professionals who have taken the screening and connected to nearby resources.

TMF Medical Director Michael Baron, MD, MPH, FASAM, is pleased with the performance of the Tennessee Professional Screening Program (TN PSQ) thus far.

“This tool is needed, especially now when physician stress is increased because of the pandemic,” he said. “I am so excited to see this project realized.”

Interactive Screening

In February, March, and April 2020, the TMF worked with stakeholder partners, including the TMA, Tennessee Board of Medical Examiners, Tennessee Hospital Association, and State Volunteer Mutual Insurance Company, to share the TN PSQ link and information with their respective health communities. The link is e-tmf.org/tnpsq.

The tool utilizes the Interactive Screening Program (ISP) developed more than a decade ago by the American Foundation for Suicide Prevention (AFSP). Strictly a non-crisis service, it offers a confidential and free online mental health screening that results in referrals to appropriate mental health resources and optional interaction with a program counselor.

“This tool is anonymous, voluntary, free of charge, and the outcome is completely driven by the user,” Dr. Baron said, adding this should address health professional fears involved in asking for help with mental or emotional illness.

Six-Month Data

Data from February 3-August 13 shows that screeners opting to dialogue anonymously with a program counselor were higher than average, compared to users accessing the same tool through other organizations nationwide (35.3 percent versus 30 percent).

For TMF and AFSP, one of the key results is the higher-than-average rate of requests for referrals to nearby resources (66.7 percent versus 40 percent).

“The levels of engagement from TN PSQ participants were significantly higher than the national average users of this program, which speaks to how the program is meeting the needs of health professionals...in a way that feels safe and accessible,” said AFSP ISP Senior Director Maggie Mortali.

Dr. Baron said the tool does not replace the comprehensive assistance, support, and advocacy offered by the TMF Physician’s Health Program but is one more resource in its arsenal to help health professionals who are struggling, especially as they cope with challenges related to the pandemic.

“The goal is to connect more people to the help they need earlier in the process – to be proactive versus reactive— hopefully before there’s a need for intervention by employers, a TMF referral, or licensing board action,” he said.

Visit e-tmf.org/tnpsq, contact the TMF at 615-467-6411, or Dr. Michael Baron at michaelb@e-tmf.org.



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