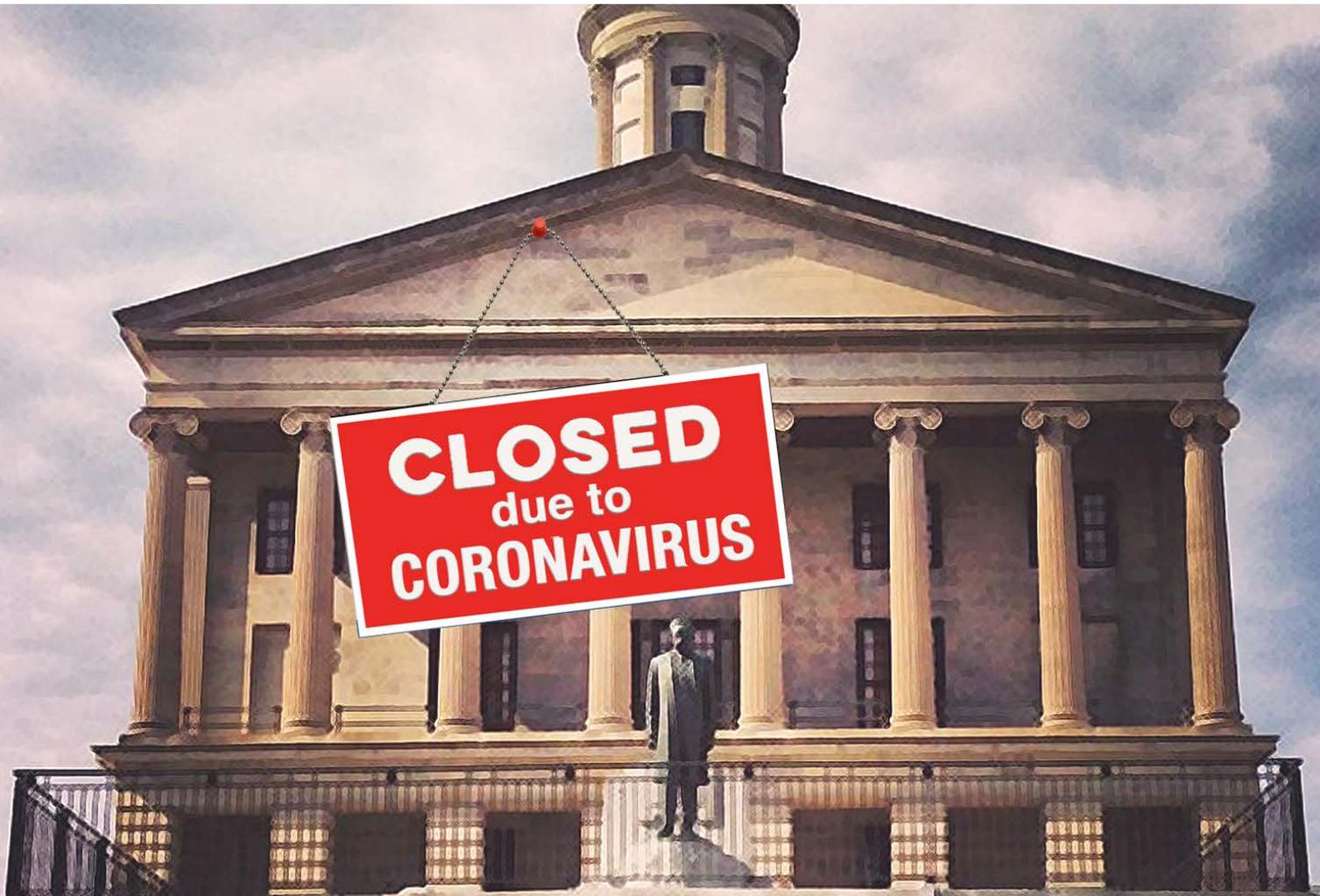




# Topline

Newsletter of the Tennessee Medical Association

Issue  
03  
May/June 2020



## What's Inside

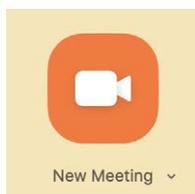
### Calm within the Chaos

A battery of useful COVID-19 resources for members, and an overview of our work to settle the coronavirus crisis, **on Page 2.**



### Member Satisfaction

Our recent member survey shows high marks and value for advocacy work on Capitol Hill. Insights **on Page 4.**



### Recap: May Meeting of the Board of Trustees

The BOT responded to social distancing challenges with its first ever (and successful) Virtual Meeting. That meeting round up is **on Page 3.**



### IMPACT on Capitol Hill

See what candidates Independent Medicine's PAC will support this fall and how you can get involved with IMPACT, **on Page 5.**

# FROM the PRESIDENT Elect

What a difference a few weeks make! In March we were working as usual when our whole world was turned upside down by COVID-19. We learned how to take care of patients with Telemedicine, how to use (and conserve) PPE, and how to diagnose and try to prevent the spread of this virus.

I count it a **great honor to lead and represent** you all as heroes. From those who are caring for coronavirus patients in the ERs, ICUs, and hospitals to those who have tried to manage patients remotely and postponed elective procedures, our profession has risen to the challenge once again. The TMA was at the table with the Governor and Tennessee Mayors as we advocated for the Stay at Home orders in March, pleaded for more protective equipment, and advocated for social distancing and masking. The surge never arrived largely due to these efforts.

Before the pandemic, TMA led the defeat in committee of the TNA's independent practice bill for nurse practitioners for practice without physician oversight in Tennessee. Thanks to our outstanding advocacy team and our legislators who listened to our concerns for patient safety and the importance of physicians leading healthcare teams.

TMA is the voice of physicians in Tennessee. We appreciate your membership and support of this great organization. Get involved, ask a colleague to join, let us know your



concerns. Together we can make a difference for our patients and our profession in the years to come.

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

## Calm within the Crisis: A Look Back at COVID-19



**The international crisis** forced immediate and meaningful action from TMA and Component Medical Society staffers in protecting member physicians, group practices and patients across Tennessee. Virtually overnight it seems, we became (and remain) tremendously engaged in advising local and state elected officials on emergent issues, including:

- best practices and policies to implement;
- navigating pandemic-related mandates;
- advocating for adequate resourcing of PPE and testing supplies;
- educating members on relaxed state licensing regulations;
- creating resources to help practices best utilize telehealth;
- counseling members on recently introduced Federal funding options.

After defeating nurse independent practice legislation in early March, TMA recognized growing concerns in regards to COVID-19 and began expeditiously pushing for the passage of a bill in the Tennessee General Assembly that would ensure telehealth payment parity.

State legislators echoed concerns for the health of Tennesseans and unprecedentedly closed Cordell Hull and the State Capitol to the public while they debated a few select bills and passed an emergency budget before an early recess.

TMA's persistence paid off when the telehealth bill made the short list of priority bills, and was funded in the governor's budget. Unfortunately, the senate would not support mandates on insurance companies to reimburse provider telehealth visits at parity, even in the face of the public health crisis. Failing compromise between the chambers, the legislature recessed with the bill left in an actionable stance for when they returned.

Meanwhile, TMA shifted focus to influencing key components into **various Executive Orders**, including:

- implementing a statewide Shelter-in-Place
- expressing the urgent need for adequate PPE;
- relaxing limits on allowed days of prescriptions;
- limiting liability on physicians treating COVID-19;

- suspending fees, waving CME requirements and removing barriers for retired physicians, out-of-state physicians and resident physicians.

TMA partnered with the Tennessee Pharmacy Association to provide guidance on the prescribing of hydroxychloroquine, collaborated with the Tennessee Psychiatric Association to promote mental health treatment during the pandemic, worked closely with the Tennessee Hospital Association to encourage city, county and statewide Stay-at-Home orders, and supported AMA's pursuit of financial assistance for medical practices in the Federal stimulus package.

We've created and compiled a vast collection of resources on TMA's website, including an online CME course on Telehealth during a Pandemic. We are actively collecting stories of furloughed physicians and of physicians not allowed to speak up in regards to COVID-19 policies. For more information on on-going efforts, please contact [advocacy@tnmed.org](mailto:advocacy@tnmed.org).

## COVID Resources

We have committed prominent space on the TMA home page ([TNmed.org](http://TNmed.org)) for three new COVID-19 features:

- **Coronavirus Resource Center:** includes a vast collection of useful guidance, fact sheets, videos, teleconference recordings and much more for providers and patients, alike. It's posted in a modular, or grid-like, fashion that's easy to find your area of need.
- **COVID-19 News Updates:** posts the most significant local, state, and national headlines regarding the pandemic, twice weekly. We update these each Wednesday and Friday.
- **COVID-Related CME Accredited Videos:** FREE to members for a limited time. This content is focused on telemedicine billing and coding, legal and regulatory, and risk mitigation. Each is certified for one (1) wAMA PRA Category 1 Credit.

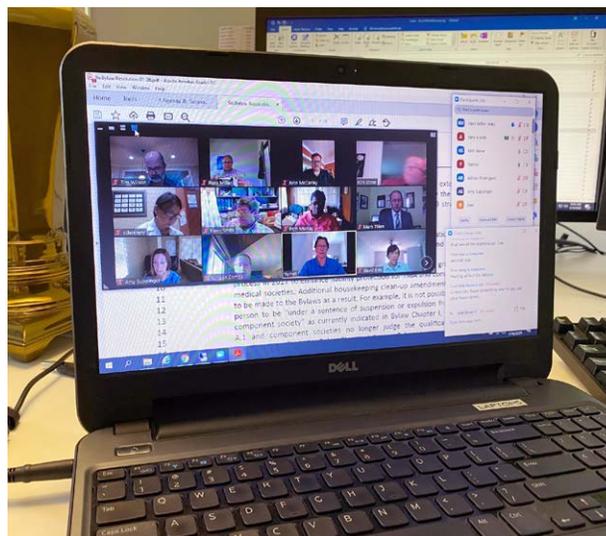
Additionally, responses to our ongoing COVID survey have doubled in recent weeks. With more than 160 participants to date, our summary report will help in our advocacy with lawmakers.

## First Ever Virtual Board Meeting Covers COVID-19, Finances, and HOD and Annual Meetings

TMA joined the new era amidst the COVID crisis last weekend—an era of virtual meetings—with the first ever meeting of the Board of Trustees conducted exclusively via video conferencing. BOT Chairman **Kirk Stone MD** and President **Elise Denny MD**, both welcomed newly elected **Drs. Ron Kirkland, Adrian Rodriguez, Pam Murray** and **Mr. Daniel Pereira** to their first call. With quorum confirmed, a highly efficient meeting lasting two hours addressed the following business:

### House of Delegates and Annual Meeting

The Board voted to hold a modified **Annual Meeting and House of Delegates** on July 25, 2020. The Board decided for safety's sake, the annual meeting will involve only critical officers participating in person. Accommodations will be made for delegates to participate virtually. A second in-person House of Delegates will be planned for October when delegates will act on resolutions introduced.



### Finances

The Finance committee presented two key reports, the first being our **most recent Annual Audit**. No material issues were found for the 2019 filing period. The sale of the TMA Insurance Agency and unrealized gains made up the most noticeable changes from 2018 to 2019. Market gains for 2019 were more than \$600,000 compared to negative \$400,000 in 2018.

The second committee report, **Q1 financials**, showed TMA has captured 47.5% of annual projected revenue as of April 1.

We received 70% of budgeted dues at this point with \$650,000 outstanding from current members. We expect non-dues revenue

will be significantly down this year as we have cancelled or postponed many functions that aid in revenue generation.

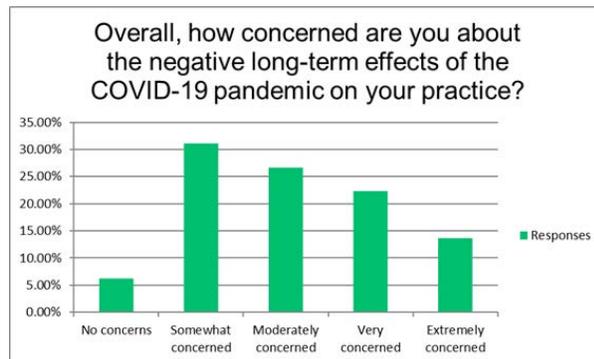
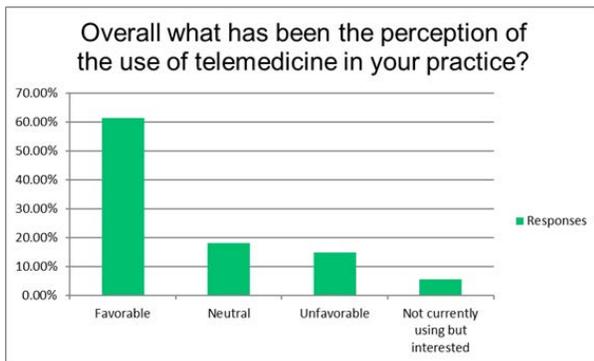
Moving forward, it will be important for the strength of the organization that all members come current with dues, so we can continue strong advocacy on priority issues during these uncertain times affecting practices and physicians, alike.

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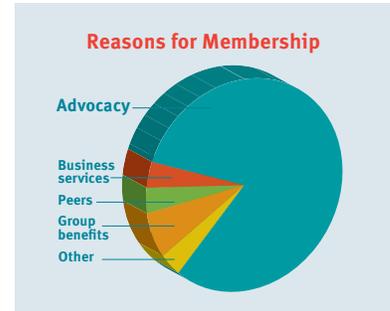
## COVID Member Survey

For Tennessee legislators who requested our feedback, we continue polling members on how COVID-19 has impacted their practices. Early results indicate many members are suffering dramatic impacts on their practice. Almost 85% of respondents said the pandemic has significantly or dramatically impacted revenue; 65% have sought some financial assistance. Meanwhile, telemedicine has increased exponentially among respondents, with more than 60% of you indicating a positive perception within your practice. Our survey continues through next week, with questions on PPE, supply chain and other impacts on business.



## Member Satisfaction: Survey Results

Our annual member satisfaction survey provided useful intelligence on our work and your member needs. Half of respondents (**50%**) are **employed physicians**, in a physician-owned practice, hospital/health system and public or private equity owned organizations. The trend of more physicians practicing in large groups continues, with **40% in a large group** environment.



Overall member approval remains high among respondents, with **81% satisfied or very satisfied** with their membership. Members clearly point to the core mission of advocacy (81%) as their most compelling reason for affiliating—particularly **legislative and regulatory advocacy (75%+)**. We're happy to report 95% of respondents plan to renew their membership, and another 91% indicate they would recommend our work to a friend or colleague. These are important metrics since member physicians make the TMA so successful. If you would like to refer a colleague or help recruit for membership, please reach out to [membership@tnmed.org](mailto:membership@tnmed.org).

## Liability Protection

The fear of litigation is a clear and present danger for reopening medical practices with COVID-19 hovering overhead so TMA joined a large coalition of business and health care organizations pushing legislation to provide liability protection. If enacted, the bill will provide broad protection from lawsuits to physicians if they acted reasonably in-patient care or office operation in responding to the COVID-19 emergency.

## TMA Office Reopening

While many cities and municipalities across Tennessee have resumed operations, **our headquarters are in Nashville** which is still in Phase II with a work from home policy in place where possible.

TMA HQ staff is well-suited to work remotely and fulfill needs of the membership as we prepare to resume office operations in June. Meanwhile, we are working with suppliers to purchase sanitizing solutions and equipment cleaner to prep our office and finalizing our employee and visitor protocol, using best practices from the CDC and other entities.

Among the unique aspects of TMA's office is that we do not have an open floor plan. We believe the privacy extended to every employee through individual offices will increase our safety and confidence.

## UPCOMING MEETINGS

- JUNE 24** BOARD EXECUTIVE COMMITTEE, 6PM CENTRAL, VIA ZOOM
- JULY 25** HOUSE OF DELEGATES
- JULY 24-26** BOARD OF TRUSTEES

## Legislative View from the Hill

Legislators returned to Capitol Hill during the last week of May to finish out the 111th Session. **Key TMA issues** still in play at the time included bills to address COVID liability protections, telemedicine payment parity and a balance billing proposal which would hold patients harmless while ensuring a fair, prompt payment to healthcare providers.

One new issue surfaced during the legislature's recess. TMA has joined a coalition led by the Tennessee Chamber of Commerce that will advocate for legislation to limit liability amidst the pandemic to help prevent small business owners from facing a myriad of lawsuits during this uncharted territory. With a necessary state budget cut upwards of \$500 million, a repeal of the professional privilege tax for physicians is not likely feasible at this time.

Upon the conclusion of the 111th Session of the Tennessee General Assembly, we will quickly enter into election season. Primaries are August 6, 2020; followed by the November 3 general election. Two of the 16 senators up for re-election are running without opposition and one incumbent is not seeking re-election. The House sees 38 uncontested races and six incumbents not seeking re-election. IMPACT, TMA's political action committee, will be financially supporting the four TMA members running for re-election. **Sen. Richard Briggs (District 7)** is not up for re-election until 2022.



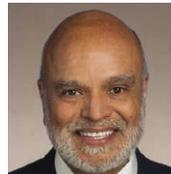
**Sen. Steve Dickerson (District 20)**, Nashville. Former TMA Board of Trustee, Anesthesiologist and long-time health care champion whose competitive race will likely be the most expensive in the State.



**Sen. Joey Hensley (District 28)**, Hohenwald. Family Physician and member of the Senate Health Committee.



**Rep. Bryan Terry (District 48)**, Murfreesboro. Anesthesiologist and Chair of House Health Committee.



**Rep. Sabi Kumar (District 66)**, Springfield. General Surgeon and Chair of Mental Health and Substance Abuse Subcommittee of Health.

**TMA's Legislative committee** will be meeting in late summer to determine the 2021 legislative priorities.

### Absentee Ballots: The Physicians Role

With the uncertainty surrounding COVID-19, Tennessee Secretary of State Tre Hargett believes the number of voter requests for absentee ballots will increase

in coming months. Patients may not know they must meet specific criteria in order to vote by absentee ballot. Some of that criteria pertains to health care.

TMA's Legal staff created a summary **document to help members respond** to patients' questions about voting regulations, absentee ballots, and medical excuses.

The summary outlines a physician's role in helping patients obtain absentee ballots to vote, when a physician statement is required and provides some other qualifications that might apply that do not require a physician statement. For your copy of this document, email [legal@tnmed.org](mailto:legal@tnmed.org).



### Greater IMPACT

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. Legislators turn to IMPACT for support in their campaigns because they know TMA physician members and staff are subject matter experts on complex healthcare issues. Contributing to IMPACT is a small investment that **gives physicians tremendous influence**. Your contributions pay dividends with TMA's advocacy success on Capitol Hill. Join today at [tnmed.org/IMPACT](https://tnmed.org/IMPACT).



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

## Membership Deadline June 30

Despite downward industry trends, TMA is seeing a modest membership gain over last year—340 new practicing physicians, 434 new students and 42 new residents makes for positive

news. Less positive is a larger pool of delinquent memberships than usual, due to lingering impacts of COVID-19. A very small percentage of members have reported financial hardship; the vast majority advised lost invoices in the shuffle of quarantines and office reopenings. We've set



**June 30 as the final date** on membership renewals. Please confirm your membership status today (and encourage other members, too) so we can all stay focused on the important matters at hand.

## Consider TMA for CME Accreditation Services

Did you know TMA is fully accredited by the Accreditation Council for **Continuing Medical Education** to offer CME accreditation services? Our proprietary, accredited CME content and can also accredit other organizations' education programs to help physicians improve competence, performance, and/or patient outcomes. Our CME services include:

- **Accreditation for all formats** including live/in person, webinars and enduring online programs
- Competitive pricing starting at \$1,000
- Significant discounts for member groups and qualifying organizations
- Quick and easy online application process

Visit [tnmed.org/accreditation](http://tnmed.org/accreditation) or contact [education@tnmed.org](mailto:education@tnmed.org) to submit a program for consideration.

## Insurance Committee

The Insurance Issues Committee held its second quarter meeting in late May. The committee welcomed new member, **Dr. Leslie Treece** and incoming **TMA president, Dr. Kevin Smith**. TMA's Director of Government Affairs, Julie Griffin, gave an update on Telehealth and Balance Billing legislation that the committee has been following. Workgroups were formed to further discuss pharmacy and prior authorization issues that affect physicians across the state; they will be meeting with payers over the summer to address systemic issues and work to relieve the associated administrative burdens.

If you have issues to suggest with any committee or are interested in future committee service, visit [tinyurl.com/TMAcommittee](http://tinyurl.com/TMAcommittee).

## PeriSCOPE – Our view on Scope of Practice

Governor Lee's **Executive Order 28**, in part, allowed temporary independent practice to advanced practice registered nurses and physician's assistants. For just over a month, the executive order allowed NPs and PAs to write orders for home health services, as necessary to respond to and prevent the spread of COVID-19.

Those extra permissions ended with the expiration of the Executive Order on May 19, but a number of scope of practice battles with nurse independent practice, optometrists, and others still loom.

Moving forward, the **Coalition for Collaborative Care (CCC)** will be working to limit advancing scope of practice issues by contacting key legislators, initiating grassroots efforts, reviewing the work group's proposal on governance, and other strategies. Meanwhile, the CCC will attempt to meet with Governor Lee's administration to provide feedback on his executive orders, ask to be consulted in the future, and dissuade expanded scope of practice legislation going forward. Coalition members have been encouraged to also reach out to members of the TN Health Care Modernization Taskforce subcommittee on Access to Care which will be advising the governor. The NP bill is dead for 2020.

### IN MEMORIAM

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

**Robert L. Barnes, III, MD**, age 74, of the Knoxville Academy of Medicine, on April 28, 2020

**Marian L. Bertotti, MD**, age 80, of the Washington-Unicoi-Johnson County Medical Association, on April 9, 2020

**Frank H. Genella, Jr., MD**, age 86, of the Roane-Anderson County Medical Society, on March 28, 2020

**Ben David Hall, MD, MACP**, age 95, of the Washington-Unicoi-Johnson County Medical Association, on April 8, 2020

**Fred Ralston, Jr., MD, MACP**, age 65, of the Lincoln County Medical Society, on April 1, 2020

## Legal Resources

- If your practice laid off or furloughed an employee for more than 60 days, you will have to report the employee as rehired to the Tennessee Department of Human Services. Ask for our Law Guide topic **New Employee Reporting** for additional information.
- In 2018, the Tennessee General Assembly passed comprehensive legislation to address the state's opioid abuse epidemic. **TMA's Opioid Resource Center** can assist members in complying with opioid prescription requirements in Tennessee. Our resources include a one-page Prescriber Guide, a template Informed Consent to Receive Opioid Therapy, downloadable office posters for patients and employees, and a pocket card for patients that explains the requirements of the law.
- If a prescriber has actual knowledge that a patient knowingly, willfully and with an intent to deceive, obtained or has attempted to obtain a controlled substance or one with similar therapeutic use within the previous 30 days from another prescriber the patient must be reported. For all reporting requirements and where to report, ask for our Law Guide topic **Doctor Shopping Guidance**.

To request these resources email us at [legal@tnmed.org](mailto:legal@tnmed.org).

PROFESSIONAL PRIVILEGE TAX DEADLINE  
POSTPONED UNTIL JULY 1 DUE TO COVID-19

### CORPORATE PARTNER SPOTLIGHT



#### NEW from TMA Medical Banking: **Doctor Mortgage Program**

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95% financing up to \$1,500,000  
90% financing up to \$2,000,000

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