



## Facts Over Fear

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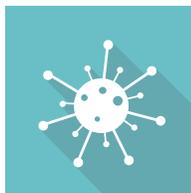
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# FROM *the* PRESIDENT

Finally, we start a new year in 2021 and say goodbye to a very challenging time in 2020. We look forward to good news outweighing the bad in the coming year. The year 2020 was certainly challenging for TMA as well with the cancellation of the in-person segment of the House of Delegates, ZOOM meetings replacing local medical society meetings, and, of course, the strain of COVID-19 on our patients and our practices.

While I did not realize what would be in store for my year as TMA President, I have tried my best to keep us on track and engaged during these difficult days.

Looking forward to 2021, here are a few priorities to consider:

## (1) COVID Vaccinations.

With effective vaccines for this virus, we should make it out of the pandemic during 2021. Get vaccinated as soon as you can and then encourage your colleagues, staff and patients to do the same. Our state's physical, mental and spiritual well-being depends on us to lead by example with vaccinations.

## (2) TMA Membership Drive.

This is my major focus from January to March 2021. Our professional offerings for physicians and their practices offer boundless benefit to our members. The TMA stands as a persuasive voice with state government and regulatory agencies, consistently influencing protective policy on Tennessee's Capitol Hill. Our work in the coming year will focus on important issues that impact our physicians statewide — balanced billing, scope of practice and appropriate medical education funding to secure more young physicians in Tennessee.

With heavily discounted dues for new members, I am asking every member to reach out directly to the physicians you know and invite them to join us as members of our great association. Together we can expand our advocacy efforts and strengthen organized medicine in ways that help our member physicians, our patients and our profession.

## (3) Scope of Practice.

One of our continuing legislative priorities in 2021 will be educating our legislators and patients about the risks of expanding scope of practice for non-physician providers. We believe the independent practice of medicine in Tennessee should continue to require a medical school education and residency experience.

I highly recommend this new book: **Patients at Risk: The Rise of the Nurse Practitioner and Physician Assistant in Healthcare** by Niran Al-Agba, MD, and Rebekah Bernard, MD.

I read it over the holidays, and it is the best summary of the evidence and risks of independent practice that I have seen. Also, you may want to bookmark this video on poor outcomes related to non-physician independent care: [tinyurl.com/scopeTMA](https://tinyurl.com/scopeTMA). The AANP tried to get it off the air. We all know there are reasons we went to medical school.

## (4) Physician Wellness

After a year like 2020, let us agree to prioritize caring for ourselves and our colleagues. Our Metro medical societies and the Tennessee Medical Foundation continue to offer resources to evaluate physician burn out and mental stress. Let's get through this pandemic together.

## (5) Diversity.

The TMA is dedicated to increasing diversity in membership and leadership in every way. We need diversity in age, sex, practice characteristics and locations, specialties, race and ethnicities, and practice experience. Only by having all physicians at the table in leadership, committees, and membership can we truly make a difference for our profession going forward.

These are just a few considerations for the year 2021. I look forward to working with you virtually for now and then in person at local component society meetings, a likely virtual Day on the Hill in March, and, hopefully, an in-person House of Delegates this Spring or Summer once we are all vaccinated.

In addition, mark your calendar for the Bicentennial Celebration of our oldest component society, the Nashville Academy of Medicine, on October 2, 2021. After 2020, we are due for a great party celebrating the start of organized medicine in Tennessee and this will be a preview of TMA's bicentennial in 2030, just a few years away.

Stay safe and stay well and get your shots. Thanks for all you do each day for your patients and your profession in Tennessee.



M. Kevin Smith, MD, PhD, MMHC, MACP  
President, Tennessee Medical Association



# TMA's 2021 Legislative Priorities

Tennessee's 112<sup>th</sup> General Assembly convenes January 12, setting the stage for these important battles your TMA advocacy team has prioritized for 2021. If you'd like to get involved in a specific issue, contact [Julie.Griffin@tnmed.org](mailto:Julie.Griffin@tnmed.org).

## Scope of Practice

TMA continues to fight inappropriate scope of practice expansion by mid-level healthcare providers. Our strong advocacy has defeated APRNs and PAs attempts to change state laws toward achieve independent practice. TMA remains steadfast in advocating for policies that improve and strengthen interprofessional relationships, not weaken them. We believe physician-led, team-based healthcare is the best model for patient safety and quality of care, and we're committed to keeping Tennessee physicians as the supervising professionals in patient care.

## Balance Billing

TMA leads a coalition of hospital-based physicians to protect patients from narrow networks created by insurance companies by supporting SB001. To this end TMA is supporting a provider-friendly bill developing from **Sen. Bo Watson and Rep. Robin Smith**. Their vision promotes a fair independent resolution process while holding harmless a patient who has done their due diligence. The bill is based off Georgia's successful model. Ours encourages payers to offer fair in-network rates to providers and keep out-of-network and non-participating facilities to a minimum or be forced into loser pays arbitration.



## Graduate Medical Education Funding

CMS ruled in summer 2020 that Tennessee must redesign its formula for funding graduate medical education slots through TennCare. The upcoming change has the potential to jeopardize all of Tennessee's residents and over \$50 million dollars in medical education funding. TMA will be focused on gaining a seat at the table for further discussions on resident funding, preserve the slots currently funded, and ultimately keep more physicians within Tennessee after graduating.

# New Member Campaign

**It takes a village, as the saying goes** so we'll be welcoming members' participation in our new member recruitment program over the next several months.

As TMA President **Dr. Kevin Smith** mentions in his column on page 2, the 9,500 members of the TMA stand as physicians' most persuasive voice with state government and regulatory agencies. We consistently influence protective policy on Tennessee's Capitol Hill. And we drive the kind of business and legal conversations that help member physicians build and improve their practices.

Our annual membership campaign always seeks to convey these membership benefits. This year's effort goes further by extending a meaningful price discount to would-be first-time members and offering a taste-test (so to speak) on certain assets usually reserved for members only.

We believe once they witness the quality of our work, our alliance and results, they will easily see what's in it for them.

If you know a physician whose career or practice would benefit from joining our association, let us know how to reach them by completing this **New Member Referral form: [tinyurl.com/ReferTMA](https://tinyurl.com/ReferTMA)**. With the pandemic and ongoing efforts by other industries or professions to disrupt the patient care continuum, aligning with the respected physicians of TMA has never been more necessary than now.

# “Prescription Against COVID-19” Campaign Surges with Statewide Media Support

As the pandemic continued to impact patients across Tennessee, TMA created a campaign to address ways in which members, non-members and patients alike could stay healthy and safe from the virus. Our multi-part, multi-media [campaign launched in November](#) to help spread a message of caution into the new year.

The campaign kicked off with a vibrant 30-second reminder video that was generously produced and co-branded by the AMA. The video outlines the initial steps of our “Prescription Against COVID-19.” The full six point regimen includes:

1. **Wash your hands:** basic hygiene reduces your risk of exposure
2. **Watch your space:** keep six feet of physical distance between you and others
3. **Wear your face mask:** cover your mouth and nose in public
4. **Get your flu shot:** protect yourself from the common cold during this pandemic
5. **Get the vaccine:** once a vaccine is released, get one for you and your loved ones
6. **Code of conduct:** develop and agree upon what are acceptable behaviors and activities among your family and friends

TMA drew attention to our recommended Prescription with a statewide media release, priority presence on [TNmed.org](#), social media posts and our bi-weekly member newsletter.

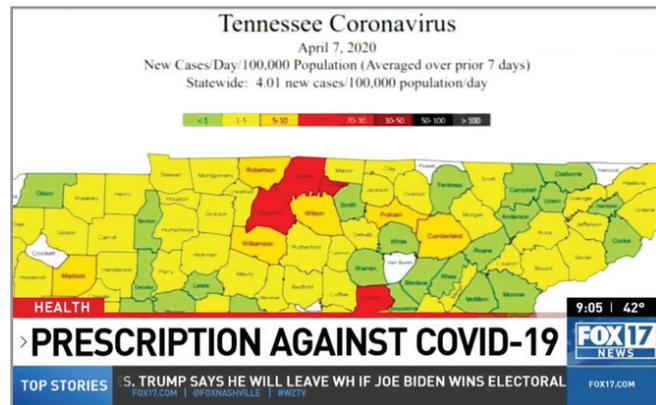
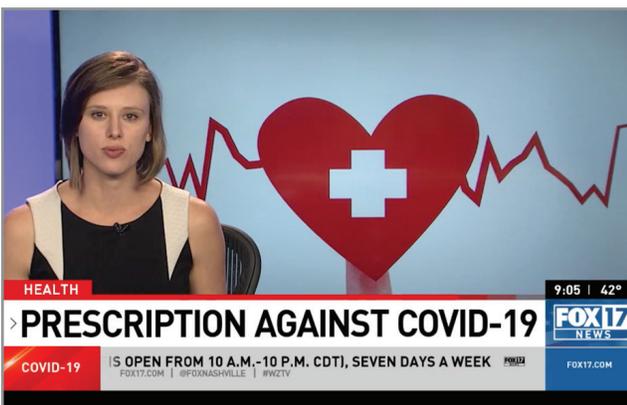
A dozen Tennessee media outlets dedicated time and space to showcase our message on air, in print, online or via other consumer platforms. Among them: **Fox17 Nashville, WBIR Knoxville, The Chattanooga, Nashville Medical News, and the Upper Cumberland Business Journal**, and more.



The TMA is especially grateful to **President Dr. Kevin Smith**, who remained open to radio and television interviews into (and through) the recent traditional holiday breaks. Most outlets were interested in the uniqueness of our Code of Conduct, which Dr. Smith conveyed particularly well.

Moving forward, please join us in promoting the six prescription recommendations, particularly encouraging your colleagues and patients to get the COVID-19 vaccine when it become available. You’ll see more on this in coming months. You can find our full Prescription—plus color-coded case prevalence maps and other valuable resources and tools—on our Coronavirus Resource Page at [tnmed.org/coronavirus](#).

If you have suggestions about the campaign, we’re always happy to hear from members at [communications@tnmed.org](mailto:communications@tnmed.org).



## Notes from the COVID-19 Home

### **A personal experience with COVID-19: TMA Member Jacquelynne Prince, APRN, BC**

For my husband and I, it was not a matter of “if” we would be infected by the COVID-19 virus but “when.”

My spouse is a pulmonary critical care physician, and I am a clinic based nurse practitioner. We accept the increased risks of our



professions. When he developed fatigue, a raspy cough and muscle aches, we were not surprised by a positive rapid COVID test result. We were fortunate that his symptoms were not life threatening, his temperature never exceeded 100 degrees F, he had no GI symptoms and his sense of taste and smell was intact until day five. His most prominent symptoms were chest tightness, malaise and fatigue—he slept 13 hours a day.

Nonetheless, it was surreal to be together in our home and yet alone. We used ZOOM to see each other. The difficult part as a healthcare worker was spending days wondering if he would be in the minority of over 65-year-old COVID-19 patients who develop progressive pneumonitis with its associated poor prognosis. Given the lack of effective outpatient therapy, I had to acknowledge we were not in control and turned it over to God.

Thankfully, I did not get sick and my husband returned to work after day 10. He is around 80% healthy; his sense of smell has only partially recovered, which he says isn't a bad thing when working in a critical care unit. He is getting better every day, and we are grateful for the progressive recovery.

After this COVID-19 episode, here is our “take home” advice:

1. Be proactive: have a discussion about how you would set up your home for isolation.
2. Purchase a pulse oximeter: < 94 % is an indication for necessary hospital admission.
3. Have plenty of Tylenol and fluids on hand. Baby aspirin, Pepcid, melatonin, zinc, Vit D3 have not been proven effective in clinical trials but have been recommended by some. We did take them.
4. Be prepared for multiple phone calls from your local and state health departments.
5. Texts, cards and phone calls from friends were very appreciated and uplifting. I was especially touched by the outreach from our many Tennessee Medical Association Alliance members across the state. If you know of a friend or colleague with COVID, take the time to reach out!



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# Facts Over Fear: Preparing for the COVID-19 Vaccines Across Tennessee

TMA has developed one of the first CME courses in the country to address the coronavirus vaccines, and we're offering it at no charge to all healthcare professionals.

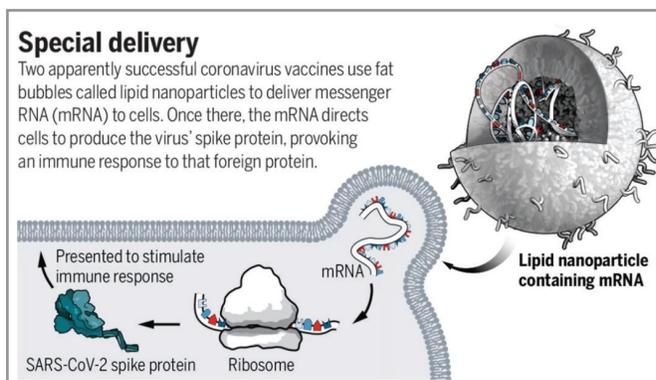
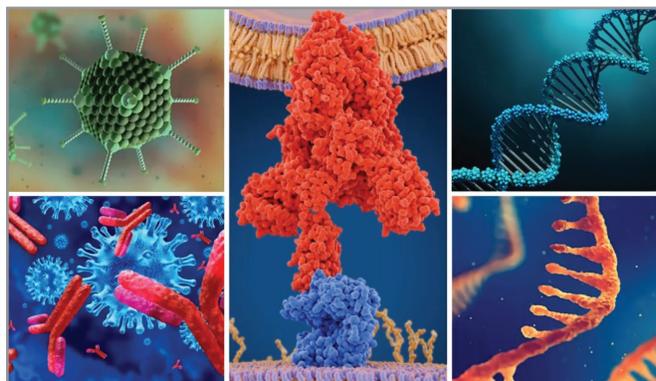
**"Facts Over Fear: Preparing for the COVID-19 Vaccines Across Tennessee"** is a comprehensive training course designed to help physicians and front-line workers in the next phase of the pandemic: administering the vaccines.

The course, in partnership with Tennessee's Department of Health, seeks to put healthcare professionals in a confident position to administer and discuss the vaccines with patients, particularly those who might be vaccine-hesitant.

**The Blue Cross Blue Shield of Tennessee Foundation** provided a supportive education grant to help fund this project, allowing physicians and other healthcare workers across the state to take the 1.5 hour ACCME-credited course at no charge.

In it, public health experts **Dr. Buddy Creech, MD, MPH, FPIDS**, and **Dr. Michelle Fiscus, MD**, address the science behind these vaccines, common misconceptions and patient questions.

The physicians chosen for this project have been involved with COVID-19 virus research and the vaccines from a leadership capacity since the start of the pandemic. Dr. Creech serves as Director of the Vanderbilt Vaccine Research Program, Principal Investigator of the NIH-funded Vanderbilt Vaccine and Treatment Evaluation Unit, and Co-Principal Investigator of the CDC-sponsored Clinical Immunization Safety Assessment Network. Dr. Fiscus



currently serves as Medical Director of the state's Vaccine-Preventable Diseases and Immunization Program at the TN Department of Health.

Our goal for this course is to equip physicians with fact-based information so that they feel more confident discussing the vaccine. Visit [tnmed.org/vaccine](https://tnmed.org/vaccine) to register, or email **Beth Lentchner** at [Beth.Lentchner@tnmed.org](mailto:Beth.Lentchner@tnmed.org) for questions or feedback about the program.

## IN MEMORIAM

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

**Joe I. Hall, MD**, age 69, of the Consolidated Medical Assembly of West Tennessee on Nov. 12, 2020.

**B. Daniel Harnsberger, MD**, age 77, of the Chattanooga-Hamilton County Medical Society on Dec. 25, 2020.

**Fred E. Hatch, Jr., MD**, age 90, of the Memphis Medical Society on Dec. 21, 2020.

**Ray Willis Hester, MD**, age 83, of the Nashville Academy of Medicine on Nov. 3, 2020.

**Richard Alan Krause, MD**, age 74, of the Chattanooga-Hamilton County Medical Society on Dec. 30, 2020.

**Alexander C. McLeod, MD, FACP**, age 85, of the Nashville Academy of Medicine on Nov. 6, 2020.

## Legal Briefs

### 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 Oct. 1, 2020. Reports must be filed by Feb. 15, 2021 on expenditures made through Dec. 31, 2020. If you do spend all of the money you received by Dec. 31, a second report must be filed by July 31, 2021. TMA's resource COVID-19 Loans and Financial Information at [www.tnmed.org/coronavirus](http://www.tnmed.org/coronavirus) contains more information regarding the reporting requirements.

### ABN Form CMS-R-131

Due to COVID-19 concerns, CMS extended the deadline for use of the renewed ABN Form CMS-R-131. The renewed ABN was required to be used beginning Jan. 1, 2021 and may be used prior to the mandatory deadline. The ABN form and instructions are located at [www.cms.gov](http://www.cms.gov).

### Collaborating Physician Toolkit

These practice guidelines were developed by TMA for the convenience of its members who collaborate with, or contemplate collaborating with, APNs, either in a medical office or retail clinic. The guidelines were developed from Tennessee law and the rules promulgated by the Tennessee Board of Medical Examiners and the Tennessee Board of Nursing. TMA has made comments and suggestions in italics about some of the rules. These comments should not be considered as official positions of either regulatory board or as legal advice. They are practical suggestions to assist the office in delivering meaningful collaboration and quality care. The toolkit is available at [www.tnmed.org/legal](http://www.tnmed.org/legal).

### ERISA Toolkit

For many providers, the prospect of dealing with health plans subject to the Employee Retirement Income Security Act, or ERISA, is a bleak one. ERISA requirements apply to most employment-sponsored and self-funded group health plans, which means that any patients who receive their health insurance through some type of employer contribution fall under ERISA. The regulations are complex, and many health plan administrators actively try to work around the requirements. However, providers can actually use ERISA requirements to their advantage when trying to get claims paid. The TMA Legal Department has developed a series of resources, including forms and sample letters, for providers to use.

### Legal Department

Member physicians or their staff may contact the Legal Department at [legal@tnmed.org](mailto:legal@tnmed.org) or (615) 460-1645 to

pose questions related to the legal/regulatory side of the practice of medicine or seek guidance regarding practice management issues. Some recent topics members have asked us to research:

- A review of a practice's informed consent form and provide suggestions on the appropriate content.
- Whether or not the non-custodial parent of a child had the ability to consent to a medical procedure for the parent's minor child.
- What a practice is required to do with money it owes to a deceased patient.

### 401(k) Retirement Plan Available

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

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

If you seek to add a new 401(k) plan, or even if you participate in another plan, TMA's 401k MEP can provide piece of mind, investment options and saving in time and money. Simply contact plan advisor, **Kevin Rainwater** at (866) 893-4103 or [krainwater@acgwealth.com](mailto:krainwater@acgwealth.com) to set up a discussion.

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**TMA**  **401(k)**  
Tennessee Medical Association  
**Member Retirement Plan**

**BENEFITS**

-  **Save on program fees** with flat pricing and low institutional fund cost
-  **Reduce administrative burden** by eliminating annual audit, shifting plan trustee duties, and having a dedicated 3(38) fiduciary
-  **Safe harbor provisions** to maximize physician savings and streamline administration
-  **Complete flexibility** in plan design and profit sharing
-  Opportunity to have **financial planners** advise on 401(k)

Gain **financial peace of mind** for your future with the new TMA 401(k) plan, designed for member groups of any size.

**How it Works**  
The TMA Multiple Employer 401(k) does all the heavy lifting for your practice. You maintain plan flexibility, while professionals manage investments, participant education and due diligence. You practice medicine, we manage your retirement plan.

**Contact**  
**Kevin Rainwater**  
866.893.4103  
[krainwater@acgwealth.com](mailto:krainwater@acgwealth.com)

**TMA** 



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[www.svmic.com](http://www.svmic.com)

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

We have your  
back,  
so you can move  
forward.