



# Topline

Newsletter of the Tennessee Medical Association

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## What's Inside



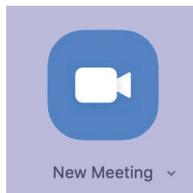
### Prescription Against COVID

Your TMA has released our Prescription Against COVID to help the public better understand the challenges. **Page 2.**



### Proper Prescribing CME

The end of year rush for CME credits is on. Our proper prescribing course offers a discounted rate. **Page 5.**



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

The pandemic continues to alter how and what we're prioritizing in business. See our most recent Board decisions. **Page 3.**



### TMA's 401(k) program

Flexible plan design and profit sharing options are among the hallmarks of our member investment plan. **Page 7.**

# FROM *the* PRESIDENT

These are certainly challenging times.

As the COVID-19 pandemic rages on in Tennessee with dramatically increasing cases and deaths, we are all being challenged in many ways both in our practices and in our lives. This virus is spreading more now – especially in the older population – filling our hospitals and ICUs. We can only hope for an effective vaccine in the very near future to get this under control.

In the meantime, the Tennessee Medical Association continues to advocate for physicians and our patients in the following ways:

- We held a state-wide membership Town Hall via Zoom in September about how physicians can use their voice with TMA.
- We are planning a state-wide new member drive in 2021 with Board-approved discounts for new members (75/50/25% discounts over three years) to incentivize more physicians to give membership a try.
- We continue to work with the Coalition for Collaborative Care consisting of representatives from the major state specialty societies to join together opposing independent practice for nurse practitioners without physician collaboration as well as numerous other scope of practice issues.
- Our TMA political action committee (IMPACT) is providing donations for candidates who support our ability to practice medicine and take care of patients.
- Our new Telemedicine bill has passed and grants pay parity for Telemedicine for the next 18 months, while our new liability protections allow front line physicians to focus on patients and not worry about pandemic profiteers.
- We are still fighting for a fair balance billing measure that prevents insurance companies from unilaterally setting payments for out of network physicians while protecting patients from surprise medical bills.

You can see, we have a lot going on despite the pandemic. As your TMA President, I certainly regret not being able to travel and visit with you in person, but I am thankful to meet so many of you on ZOOM meetings. We all need to hunker down and endure the challenges of the weeks and months ahead and hope for better days in 2021.



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



## TMA's Prescriptions Against COVID-19

**Our patients know the advice,** counsel, treatment and medications we administer help keep them and their families healthy and safe. They trust that our remedies are safety-tested and science-based.

So recently, TMA issued a statewide prescription for all Tennesseans to affirm what we have come to know about COVID. Over the next several months, members will notice this **6-step prescription** in various TMA communications, across the organization and the communities in which we live and serve.

We are also encouraging Tennesseans to work with their health professionals to create a **personal COVID protection**

**plan.** That includes establishing what is acceptable behavior among their families and communities in order to stay safe together.

Earlier this month, your TMA issued a second **appeal to County Mayors**, this one urging leaders of counties with high case counts to **enact or extend mask requirements**, per the authority Gov. Bill Lee extended them with an updated executive order.

Our patients put their trust in us. In turn, we're putting confidence in our fellow Tennesseans to support a simple plan. Working together, we can make this a successful prescription against COVID-19. We appreciate all you'll be doing to help TMA get the word out, too.

### Our prescription against COVID-19 includes:

- **Commit to a plan** with classmates, colleagues and family; agree on acceptable behaviors and activities, and who or what you will avoid to stay safe together.
- Use a **proper fitting face mask**, fully covering your mouth *and* nose when in public, and don't touch your face, eyes, nose or mouth.
- **Frequently wash hands** and practice advanced hygiene (ie., covering coughs and sneezes) particularly after contacting something another person has touched.
- **Physically distance** from anyone by at least six feet to reduce the chance of viral spread.
- **Get a flu shot**, especially this year – we've never had a major pandemic at full capacity as we approached a normal flu and cold season. This can protect yourself against at least one illness and increase your odds of staying well.
- When a COVID 19 vaccine becomes available, **don't delay getting a vaccine** for you and your loved ones. If you have concerns, speak with your physician.

# October Meeting of Your Board of Trustees

Your TMA Board of Trustees recently met in Nashville, and provided the below summary of the Association's ongoing important work during these trying times:

- A TMA **Letter to Editors** statewide regarding the proper use of face coverings as a proven means for reducing COVID-19 transmission was approved. This is part of a larger communications plan to promote the necessity of flu shots, continued adherence to CDC guidance and the need to take a COVID-19 vaccine, when available. Media outreach continues. TMA will also develop printable flyers with COVID content for member use.



The screenshot shows a news article from 'Medical News' with a sub-header 'TN Physicians' Prescription Against COVID'. The article text discusses the importance of wearing face coverings and the impact of the pandemic. A small portrait of Kevin Smith, MD, PhD, MACP is included on the right side of the article snippet.

- Our 2021 Legislative Agenda priorities will include **balance billing, multiple scope of practice challenges and GME funding**. Watch for ways to get involved as we approach the start of the General Assembly in January.
- Congress is entertaining a bill (**S.3993**) entitled “**Equal Access to Care Act**” that would expand scope for many professionals by allowing for national health licensure. It would permit health professionals who practice independent of physicians in their home state to do so in all states. Senator Marsha Blackburn is a sponsor of the bill and TMA will contact her office for more information and to register our concerns.
- Continued concerns over COVID has altered plans for a second session of the **House of Delegates** (HOD) this month. Upon conferring with many delegates, the Board elected to cancel the HOD for 2020 and roll business to our 2021 meeting. Your Speaker of the House, **Dr. Ed Capparelli**, officially gaveled out the 2020 HOD during our Board meeting.
- We are reserving **April 9-11, 2021** for our next Annual Meeting and HOD, being mindful of the health status of our state and will keep members apprised of plans moving forward.
- The Board affirmed a **new proposed dues scale** to help encourage new memberships. First-time members will now receive a **75% reduction** for the first year, 50% for the second

year and 25% for the third year. A reduced fee will also be extended to a certain group of lost members who rejoin.

- Under review is a proposal for TMA to use the membership personnel of the staffed metro medical societies as field staff for membership recruitment and retention in all areas of the state. There will be communication forthcoming from the TMA Board to all component medical societies.
- The Board is formulating a future work session with TMA leaders and medical society leaders to improve working relations between the TMA and its chartered medical societies. The goal will be to improve communications, promote collaboration and reduce overlap of functions.

We sincerely thank all of you for your continued support and membership during these unprecedented times. We hope everyone will join us for our All-Members Virtual Medical Society Meeting on November 19, 2020!

## PHYSICIAN LEADERSHIP LAB

The John Ingram Institute for Physician Leadership is TMA's ongoing training initiative to uplift physicians as leaders on a healthcare team, in their profession and in the community. As one of two Institute programs, our in-depth **Physician Leadership Lab** is accepting applications for the **January 2021** program. This multi-month Lab helps physicians develop the valuable skills essential to leaders in the emerging physician-led, team-based healthcare environment. Physician participants attend **two live sessions** in January and April, along with **webinars and individual coaching** sessions. Three to six months of ongoing consulting is available to participants at program completion. Participants may earn a Certificate in Healthcare Change Management upon completion and 32 hours CME\*. Email [Beth.lentchner@tnmed.org](mailto:Beth.lentchner@tnmed.org) to apply.

## COVID RESOURCES

The TMA's **November letter to County Mayors** is the latest support documentation added to our **Coronavirus Resource Center**. Issued on November 4 to all Mayors across the state regarding our request for mask requirements, the letter joins a host of fact sheets, legal and policy guidance, case prevalence maps and other popular offerings, including our weekly COVID-19 News Updates.

TMA continues to gather data on the impact this pandemic is having on you, your practice and your patients with our 20-question survey takes less than five minutes to complete. <https://www.surveymonkey.com/r/TMAcovid19b>.

## (Every Other) 3rd Thursday All-Member Zoom

Travel and gatherings are likely to remain soft for a while so we've begun statewide medical society meetings via Zoom! This month's call, titled "**Getting Down to Business,**" covers new regulations in patient care and insurance, and **best practices in contracting and business services**, shared by TMA's partner experts. We'll also discuss the impact of 2020 elections on Tennessee physicians, and the latest COVID case trends, regulations and vaccines.

These hour-long meetings begin at **6:30pm central** on the **3rd Thursday of November, January, March and May**. Pre-registration is required for videoconference security reasons at TNmed.org; there is no fee. View September's town hall hosted by **Dr. M. Kevin Smith, TMA President**, at <https://tinyurl.com/TMAHallsmith>.

### Seeking Two Practices for Remote Patient Monitoring Pilot

TMA is seeking a couple of member medical practices to participate in a remote patient monitoring pilot. Recent changes in Federal and State regulations around remote patient monitoring allow new CPT codes to be utilized. Our corporate partner AllHealth CHOICE has recently introduced MyCharlie, a fully integrated solution, ready for Medicare RPM Reimbursement. The end-to-end solution-based platform integrates the latest in remote health and activity monitoring, telehealth, engagement, and care coordination. To inquire further and/or participate, email [Christy.Reeves@tnmed.org](mailto:Christy.Reeves@tnmed.org).

### Annual Membership Renewal Deadline

Membership renewals continue, and we thank members for your rapid response to our dues call. Numerous options are available including periodic payments and automatic renewals. In past years, TMA collected dues over much of the calendar year. However, this year's dues cycle will be shorter, with a **March 31, 2021 deadline**. You can renew by logging into your member page.

### Insurance Services

CMS has issued instructions for repaying COVID-19 Accelerated and Advanced Payments (AAP). A repayment process will begin automatically one year after the AAP was issued. Twenty-five (25) percent of Medicare payments owed to the provider will automatically be recouped during the first eleven (11) months after repayment begins and will increase to fifty (50) percent during the succeeding six (6) months. Providers unable to repay the total amount within twenty-nine (29) months will receive a demand letter requiring repayment of any outstanding balance plus four (4) percent interest. Visit <https://tinyurl.com/AAPrepay> for details.

### New Homepage Design at TNMed.org

Members will be pleased to see an updated homepage design at [TNmed.org](http://TNmed.org). Members will find twice the amount of news and events, plus additional areas to explore than the previous design. The new design will help you find important news and events more quickly, and in greater supply. A reminder to all members if you have important professional news about yourself, your staff or your practice, please share with us so we can include you in our memberwide advisories.

## IN MEMORIAM

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

**Harvey W. Bender, Jr., MD**, age 86, of the Nashville Academy of Medicine on September 12, 2020.

**Dwight Witt Clark, Jr., MD**, FACP, age 85, of the Memphis Medical Society on September 24, 2020.

**William T. Herring, MD**, age 82, of the Memphis Medical Society on August 16, 2020.

**Bryan Scott Jackson, MD**, age 47, of the Memphis Medical Society on September 11, 2020.

**Frank Emerson Jones, MD**, age 86, of the Nashville Academy of Medicine on August 24, 2020.

**Thomas P. Miller, MD**, age 75, of the Chattanooga-Hamilton County Medical Society on September 10, 2020.

**John R. Nelson, Jr., MD**, FACP, age 90, of the Knoxville Academy of Medicine on August 27, 2020.

**Robert D. Proffitt, MD**, age 90, of the Blount County Medical Society on August 16, 2020.

**Kenneth Clark Susong, MD**, age 92, of the Greene County Medical Society on September 23, 2020.

**Pe Than Tin, MD**, FACS, age 79, of the Chattanooga-Hamilton County Medical Society on September 14, 2020.

## You need it, we have it: Proper Prescribing CME

### TMA's Popular Prescriber Course Now Half Price Through Jan. 7

In a year when pretty much everyone could use a break, TMA is offering an end of year ½ price discount on our proper prescribing course. The offer stands for TMA members and non-members.

State law requires all physicians renewing a Tennessee medical license in 2021 to have completed two hours of prescribing CME during the calendar years 2019 or 2020. That means the clock is ticking for many of you.

“The traditional end of the year sprint is challenging enough,” said Kathleen Caillouette, CME Administrator for TMA. “Given the extra challenges of 2020, we’re doing what we can to help everyone out.”

TMA’s proprietary, accredited online course costs **\$49 for TMA members** and **\$99 for non-members**. It is available 24/7 as an enduring link at [tnmed.org/prescribing](https://tnmed.org/prescribing).

“**Appropriate Prescribing in Tennessee—2019-2020 edition**” is accredited for a maximum of 2 AMA PRA Category 1 Credit(s)<sup>™</sup> (Enduring), by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education.

This program is for physicians and all others on a healthcare team who are licensed to prescribe medication for pain. TMA can also offer group prescribing training directly to large organizations and full staff scenarios, with in-person or online options that feature bundled pricing with tiered participation.

A record for all Tennessee licensed MD/DO participants who successfully complete the program will be submitted automatically to the TN Medical Licensing Board.

The material presents a comprehensive review of new definitions, laws and other regulatory changes affecting pain management since July 2019. The program will help health care clinicians understand and adhere to guidelines that keep patients safe, and protect themselves from inadvertently contributing to the prescription drug abuse epidemic. Participants will learn the proper use and responsible management of pain clinics and the importance of educating patients on the pain medication prescribed.

Additional topics cover the contributing factors of the current opioid epidemic and rising overdose rates, an overview and requirements of the Controlled Substance Monitoring Database (CSMD), the TN Chronic Pain Guidelines and recent regulatory updates, NAS and women’s health, and case vignettes.

Two years ago to address the opioid epidemic, the Tennessee General Assembly passed some of the most comprehensive and restrictive laws in the U.S. regulating initial opioid supply and chronic pain management. Since then, TMA’s advocacy and leadership teams have worked with the legislature and two governors to further amend the law in order to address specific issues raised by doctors and patients, and to make sure the laws help reduce opioid supply without unreasonably obstructing patients from accessing legitimate, effective pain management.



The program is hosted by **Dr. Michael Baron**, a public health expert in treating licensed professionals with chronic pain and addiction. He is board certified in Anesthesiology, Psychiatry and Addiction Medicine, and has published original research showing that chronic opioid use increased chronic pain scores. While on the Tennessee Board of Medical Examiners (BME), Dr. Baron served as Chair of the Controlled Substance Monitoring Database committee and helped write the Tennessee Chronic Pain Guidelines as well as many different Department of Health rules. He has served as the Medical Director of the Tennessee Medical Foundation – Physician Health Program since 2017.

For questions regarding CME, contact **Kathleen Caillouette** at 615.460.1662 or [Kathleen@tnmed.org](mailto:Kathleen@tnmed.org).

### COVID-Related CME Courses

TMA offers a growing catalog of CME-accredited courses specific to COVID-19. Our Outpatient Setting series of four separate courses is dedicated to what clinicians need to know about the intersection COVID has with specific conditions and/or diseases, including Diabetes, Lung Cancer, Obesity and Dermatology.

Further, we offer a number of Telemedicine courses, including COVID-19 Billing and Coding Guidance, Telemedicine Liability, Telemedicine in Asthma Management, and Legal and Regulatory Perspectives of state and federal laws governing telehealth or telemedicine.

We invite you to review our education offerings at [tnmed.org/education](https://tnmed.org/education).

## LEGAL BRIEFS

### CME Requirements for License Renewals

Physicians who renew their Tennessee medical license in 2021 **must complete 40 hours of CME** required by the Board of Medical Examiners (BME) or the Board of Osteopathic Examination (BOE) by December 31, 2020. Please note that the licensing boards have NOT suspended CME requirements because of the COVID-19 pandemic.

The BME requirement includes an approved 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 and BOE requirements for physicians and their prescribing staff. Contact the TMA legal department at [legal@tnmed.org](mailto:legal@tnmed.org) with any questions regarding CME compliance. You can also learn more at [tnmed.org/prescribing](https://tnmed.org/prescribing).

### 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. The Commissioner of Health shall refer prescribers who violate this law to his/her licensing board. Prescribers violating this law are subject to civil penalties not to exceed \$1,000 for each separate violation. See our Law Guide topic titled, **Prescriptions**, for more details on this requirement.

### Legal Research by Request

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.

### 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. To that end, the TMA Legal Department has developed a series of resources, including forms and sample letters, for providers to use when seeking to get ERISA claims paid. The link can be found at [https://www.tnmed.org/TMA/Member\\_Resources/ERISA\\_.aspx](https://www.tnmed.org/TMA/Member_Resources/ERISA_.aspx).



**IMPACT** is the political action committee (PAC) established by TMA to financially support candidates who understand the challenging issues facing organized medicine. Contributions to **IMPACT** are a part of what

makes TMA the most influential advocacy organization in Tennessee. **IMPACT** carries an undisputed legacy of success for political candidates across the state. Among them, we:

- Boast a 95.5% lifetime winning record among political candidates it has financially supported.
- Supported winning candidates in 22 of 23 primary races, including four member physicians and three physician member spouses, in the past year alone.
- Contributed to electing six TMA member physicians to the state legislature in the last 5 years.

- This election cycle, TMA supported bill sponsors, issue champions and leadership fighting for organized medicine. We also supported two nurses in the House who oppose independent practice.

Your donation to **IMPACT** is an investment that gives physicians tremendous influence and pays dividends with TMA's advocacy success on Capitol Hill. We invite you to join them with convenient monthly payments to the PAC fund. Visit [tnmed.org/IMPACT](https://tnmed.org/IMPACT) today to join as a Capitol Hill Club member, Advocate Club member or Sustaining member today.

**EASY and FAST:** Our online donor portal allows automatic monthly, quarterly, annual or one-time payment options by credit card. Simply visit [tinyurl.com/TMAPAC1](https://tinyurl.com/TMAPAC1).

## Useful News

### TDOH Commissioner Dr. Lisa Piercy Earns Prestigious Public Health Hero Award

Tennessee Health Commissioner Lisa Piercy, MD, MBA, FAAP has been honored with the William Schaffner, MD, Public Health Hero Award for 2020. This award is given every two years by the Tennessee Medical Association in partnership with the Tennessee Public Health Association. Piercy was selected for her work in leading the state's public health response to the COVID-19 pandemic.

"Dr. Piercy exemplifies what is needed in our physician leaders when confronting public health emergencies. She has been able to coordinate both the frontline response among Tennessee physicians and providers as well as manage a systematic response among all our health care industry," said **Russ Miller, Chief Executive Officer**, Tennessee Medical Association.

### Statewide Survey for Palliative Care

The Tennessee State Palliative Care and Quality of Life Council is conducting a statewide survey of available services regarding the palliative care workforce in Tennessee. This survey will be used to inform policy makers including the Governor and General Assembly, and to create a directory that is available to patients, their families and clinicians to improve access to palliative care. The survey is found at [bit.ly/3mJkUCi](https://bit.ly/3mJkUCi)

### FBI and CISA Warnings Involving Ransomware Activity that Target Healthcare

An imminent **cybercrime threat warning** issued by the FBI, HHS, and Cybersecurity and Infrastructure Security Agency (CISA) declares that malicious actors are infecting networks with Ransomware, notably Ryuk and Conti, for financial gain. The warning **urges timely and reasonable precautions** from TrickBot and BazarLoader malware that initiates with phishing campaigns and leads to ransomware attacks, data theft and the disruption of healthcare services. Full documentation is here: <https://bit.ly/38bdmEx>. The AMA and the American Hospital Association (AHA) have created two resources to help physicians and hospitals guard against cyber threats. Those resources and more cyber security documents can be found on the AMA's cybersecurity webpage at <https://bit.ly/3840iR6>.

### TDH's Plan for COVID Vaccine Distribution

TDH is working to rapidly recruit and onboard hospitals, pharmacies, clinics and other partners capable of storing vaccines and administering it to priority populations. These partners are required to sign the CDC's COVID-19 Vaccine Provider Agreement and Profile, demonstrate ability to store vaccines under the required conditions and establish a process for

reporting all administered doses of vaccine to the Tennessee Immunization Information System within 24 hours of administration. TDH will ensure distribution of vaccination sites across all 95 counties, especially in rural counties and areas with high concentrations of people in vulnerable populations. Providers who wish to administer the COVID-19 vaccine may find more information online at <https://bit.ly/3840sba>.

### 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 401(k) 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.

**NEW!**

**TMA** 401(k)  
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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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.

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We have your  
back,  
so you can move  
forward.

