



# Topline

Newsletter of the Tennessee Medical Association

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## MOVING MEDICINE FORWARD

# TMA PAC

Tennessee Medical Association's Political Action Committee

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## What's Inside



### Leadership Training

Premier Medical Group recognizes the value of TMA leadership training and the connection to membership for its physicians.

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### 2022 Legislative Priorities

Review the top four issues on which TMA will focus in the 2022 Session.

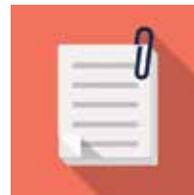
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### Membership Dues Reminder

Renew your membership before the end of this year.

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### Legal Briefs

A rundown of important business information prepared by TMA's legal department.

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# FROM the PRESIDENT

As 2021 flies away and a new year awaits, allow me to personally express appreciation for your support of organized medicine in Tennessee during these recent long and challenging years. I also have a Christmas wish list to share with you!

First, please take the time to renew your membership if you have not already done so. Your support is vital to the success of our physician-led organization. Additionally, our TMA can offer an attractive discount if your group becomes an “all-in” group. Contact the membership department to start a conversation about the many benefits—advocacy, insurance and legal services to name a few—available to your group and its physicians.

Some of you are aware that I chaired our TMA’s legislative committee for several years. I learned that our advocacy success depends on several factors, but it will always be primarily based on the quality of the relationships we have forged. To support those relationships, it is imperative that we TMA members support our political action committee henceforth known as our TMA PAC (formerly IMPACT). A well-funded PAC is a necessity in today’s political environment, and our TMA depends upon our members to sustain it through your generous contributions.

Our TMA leadership has also reformed our committee structure. It is important to our organization that it receives relevant real-world input on the issues we all face as physicians in this challenging healthcare climate. Please consider lending your unique voice and talents by volunteering to represent your medical community on one of our TMA’s committees. Call your regional trustee to find out more about serving on a committee. Your perspective is valued and necessary, and we would appreciate you giving your time and energy.

Lastly, let me reiterate the influence and

power our TMA members possess as healthcare advocates. I urge you to join our grassroots network and get involved in the legislative process. It is important that we leverage established local relationships through our state-level advocacy. As physicians at the tip of the spear in our medical communities, we hold a privileged position in the legislative process—not only do we represent ourselves and our profession, but we also speak on behalf of our patients. The influence we have as physicians—the experts in our respective fields—can strengthen the voice of our medical and patient communities.

Because we are organized, members of the Tennessee General Assembly stop and listen to what we have to say. Because we are organized, leaders of major healthcare organizations in our state stop and listen to what we have to say. And because we are organized, our profession and our patients usually win, because there is no better patient advocate than a physician, especially a physician member of our TMA!

So, I encourage you to get involved. Join our TMA’s grassroots efforts, participate on a committee, donate to TMA PAC, attend our Day on the Hill on March 23, get involved in organized medicine and give back to the profession we represent. Become an ambassador for our TMA, and urge your fellow physicians to join!

Our TMA staff members are available to assist you in finding your path to guide organized medicine into the future—email them at [membership@tnmed.org](mailto:membership@tnmed.org) to get involved. Our TMA needs and deserves your support!

Please enjoy this Christmas season, and I wish you, your family and your patients good health. It is an honor to serve as your TMA President.



Ronald Kirkland, MD | 2021-2022 President



TMA President Ron Kirkland, MD, makes a presentation at a legislative dinner held in Jackson.

## TMA Hosts Legislative Receptions Across TN

TMA’s 2019 strategic plan identified the organization’s advocacy efforts—influencing laws, rules and regulations, and business practices, governing medicine in Tennessee—as its top core focus area. That same year, TMA was named the most influential advocacy organization on Capitol Hill.

Efforts have been undertaken to link the legislative side of medicine to our members’ day-to-day clinical experience through legislative receptions held across the state in Chattanooga, Clarksville, Franklin, Jackson, Kingsport, Knoxville, Memphis and Nashville. Additional events are planned for 2022. TMA works with its local chapters on an annual basis to hold town hall opportunities for members to meet with their elected representatives and discuss issues of importance to physicians and their patients.

Healthcare legislation recently considered or enacted is discussed, and TMA’s advocacy team outlines its legislative priorities and summarizes recent activity in an effort to bridge the divide between the legislative side of medicine and the experience of our clinicians operating in the trenches. TMA government affairs staff provides background information on legislative activity and outlines TMA’s top legislative priorities.

These engagements offer TMA members the opportunity to ask questions and express concerns, but most importantly to create or continue dialogue with the elected officials that impact patient care in Tennessee. Physician members participate in these grassroots efforts by engaging in constructive dialogue. They are encouraged to cultivate the relationship with their elected representatives by scheduling visits to TMA’s annual Day on the Hill in Nashville (taking place next year on March 23).

This cordial interaction is vital to the success of TMA’s legislative efforts with an eye toward the General Assembly’s legislative session in January.

Learn more at [TNmed.org/legislative](https://tnmed.org/legislative) or sign up for Day on the Hill at [TNmed.org/day-on-the-hill](https://tnmed.org/day-on-the-hill).

# Leadership Training Ties Into TMA Membership

Physicians today face issues that require skills and knowledge they cannot acquire in medical school or residency. The John Ingram Institute for Physician Leadership was created to fill this gap by training physicians to become leaders within their healthcare team, profession and communities.

Two tracks are offered: the Physician Leadership Lab, a multi-month course which helps physicians acquire the skills to become quality leaders in team care settings; and the Leadership Immersion, a special getaway for physicians to gain leadership training in teamwork, collaboration, conflict resolution and media and communications.

**Giri Korivi, MD, family physician and president of the board of directors of Premier Medical Group**, a multi-specialty practice in Clarksville, attended the Leadership Immersion program in 2019 and said the experience left a lasting impression.

“The vision contained within the John Ingram Institute for Physician Leadership is one of the best possible things for our profession,” said Korivi. “I gained tremendous insight into who I am, including my strengths and blind spots. I also gained tools that have enabled me to become more effective in my role at Premier Medical Group.

“I see great value in spreading the wisdom, knowledge and tools of leadership across my organization. This will meet a long-term strategic goal for the organization.”

Dr. Korivi determined the training he received would also benefit his group, many of whom had not yet gained exposure to TMA. Ultimately, it led to an awareness of TMA's programs, services and benefits among PMG medical staff that translated into a broader discussion around the merits of pursuing a group membership.

“We decided to enroll board members from Premier Medical Group in TMA's leadership institute during the last several years,” said Korivi. “It helped us develop a pipeline of future physician leaders, and the leadership syllabus was the anchor that pulled additional physicians from the group into TMA.”

**Michael Engel, MD, chief medical officer with PMG**, was one of the colleagues Dr. Korivi asked to participate. Dr. Engel's Leadership Lab project had a goal of reducing the wait time to



Giri Korivi, MD, participates in the Immersion program in 2019.

get an appointment for a wellness visit on Dr. Gale Jackson's schedule from 174 days to seven days within six months. Dr. Engel was successful in achieving the desired result, and it had a noticeable impact.

“We can now take these same principles and apply them to other physicians' schedules as needed,” said Engel. “We have shown that by working as a team we can dramatically improve our patient experience and decrease the stresses of our colleagues.”

The leadership training Dr. Korivi and his colleagues received translated to a recognition of the value of TMA membership. Premier Medical Group and its nearly 40 physicians joined TMA as an all-in group this year.

“Those key future leaders recognized the value and began to share it with their colleagues,” said Korivi. “At that point, the long-term goal of a TMA group membership was realized.

“Leadership development within our organization is a strategic goal that takes time to bear fruit. I personally have benefited tremendously from the skills and insights learned through the Ingram Institute's courses. My colleagues have shared that experience. It has benefited our organization financially, helped us improve efficiencies and enhanced the patient care experience. Once these physicians saw what is possible at TMA, they decided to commit to long-term membership. I am confident more physicians from our group will become active participants in TMA moving forward.”

Learn more about leadership training or group membership opportunities at [TNmed.org/leadership](https://www.tnmed.org/leadership).

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## TMA Medical Banking: A Partner that Caters to Your Needs



**TMA Medical Banking**, a division of INSBANK, provides a unique banking relationship to TMA members to gain

customized commercial financing, access to decision-makers, efficient turnaround times and competitive terms. INSBANK's

knowledgeable commercial bankers have medical lending experience, which means they know how to support your practice when needs arise for working capital, new medical equipment, real estate, doctor mortgages, student loan refinancing and more. Contact TMA Medical Banking's **Blake Wilson** at [bwilson@insbank.com](mailto:bwilson@insbank.com) or 615-515-4272 to learn more.

# Moving Medicine Forward: A New Era of Political Action

For decades, IMPACT—TMA’s non-partisan political action committee—has built and sustained a distinguished presence on Capitol Hill, leveraging strategic contributions into political persuasion. Since its inception, **IMPACT has helped to elect and retain hundreds of pro-medicine candidates to the Tennessee General Assembly, averaging a 95 percent victory rate while investing well over \$1 million.** This demonstrated success is one of the many reasons TMA earned the title of most influential advocacy organization in 2019.

In today’s era of politics, TMA’s influence with lawmakers is intrinsically tied to our political action committee. A strong, well-funded PAC serves as the primary vehicle for advancing physician-friendly policies in Tennessee. Yet, legislators don’t always associate IMPACT with TMA. That’s why leadership decided it was time to make the change from IMPACT to TMA PAC—to align our political action with the trusted TMA brand. Under one name our action will be louder, more powerful and more effective. As TMA continues to defend gains in tort reform, combat scope of practice expansion, ease regulatory



burdens and fight for fair reimbursement, our strides must not only impact medicine, but move medicine forward.

As part of this transition, TMA PAC is offering enhanced benefits to members who join today, including in-depth election guides, access to legislative receptions with elected officials and discounts on admission to TMA PAC-hosted fundraisers. Capitol Hill Club members can expect priority access to political events and exclusive opportunities to engage with state dignitaries in an intimate forum.

Membership in the PAC is voluntary and separate from TMA dues. TMA PAC gives physician leaders a platform to become proactively involved in the major political issues in healthcare. A contribution represents an investment in your profession and your patients. Help us move medicine forward in Tennessee. Visit [TNmed.org/tmapac](http://TNmed.org/tmapac) for more information.

BENEFITS FOR TMA PAC MEMBERS			
<b>CAPITOL HILL CLUB</b> \$1,000+	<b>ADVOCATE</b> \$500 - \$999	<b>SUSTAINING</b> \$250 - \$499	<b>CONTRIBUTOR</b> \$50- \$249
All the benefits of Advocate plus: <ul style="list-style-type: none"> <li>• Priority access to legislative receptions with elected officials</li> <li>• Free admission to <b>TMA PAC</b> hosted fundraisers</li> <li>• Annual Capitol Hill Club dinner with state dignitaries</li> <li>• Capitol Hill Club Pin</li> </ul>	All the benefits of Sustaining plus: <ul style="list-style-type: none"> <li>• Half price admission to <b>TMA PAC</b> hosted fundraisers</li> <li>• Advocate pin</li> </ul>	All the benefits of Contributor plus: <ul style="list-style-type: none"> <li>• Access to legislative receptions with elected officials</li> <li>• Discounted admission to <b>TMA PAC</b> hosted fundraisers</li> <li>• Name recognition on TMA’s website and events</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Weekly Political Pulse</i> during session</li> <li>• Election guide and political updates</li> <li>• <b>TMA PAC</b> Pin</li> </ul>

## Renew your TMA Membership for 2022 before Dec. 31

As the year draws to an end and we look ahead, please take the time to renew your TMA membership for 2022.

Thanks to your support, TMA membership has grown to more than 9,500 members. TMA remains the only organization representing all Tennessee doctors, and the only one with the clout to successfully influence laws, rules and regulations that determine how healthcare is delivered in Tennessee.

If you haven’t already renewed, we offer two easy options: visit us online by logging into your profile at [TNmed.org](http://TNmed.org),

select “Pay Invoices,” and follow the prompts to complete the process. Or pay over the phone by calling TMA’s membership department at 615-460-1673.

You may also learn more about TMA’s most important achievements on your behalf by visiting [TNmed.org/wins](http://TNmed.org/wins). We are proud to advocate for you as we work to protect and improve the healthcare landscape in our state.

Thank you for your continued support of organized medicine in Tennessee.

# TMA Announces 2022 Legislative Priorities

With Tennessee's General Assembly reconvening on Jan. 11, TMA's Government Affairs team has narrowed down the top four issues on which it will focus on next year. Visit [TNmed.org/legislative](https://tnmed.org/legislative) for more details.

## Scope of Practice

TMA, as part of the Coalition for Collaborative Care (CCC), is leading efforts to preserve Tennessee physicians' ability to supervise patient care and oppose unsafe scope of practice expansion by mid-level healthcare providers. TMA joined this coalition of medical specialty societies and other healthcare organizations to promote physician-led team-based healthcare delivery teams as the best model for patient safety and quality of care. Because of our leadership, advanced practice nurses and physician assistants have not succeeded in changing state laws to achieve independent practice in Tennessee, and TMA remains steadfast in advocating for policies that improve and strengthen interprofessional relationships, not weaken them.

## Telehealth

TMA led a 2020 effort during a special session of the Tennessee General Assembly to ensure telehealth services are reimbursed at the same rates as in-office visits. The bill passed, but has a sunset date of April 1, 2022. The COVID-19 pandemic has demonstrated the extraordinary utility of telehealth in increasing access to care. Patients expect providers to offer these services in the future, but without payment parity it will not be economically feasible. Medical providers cannot be expected to cover the cost of providing telehealth at a reduced rate of pay. This year, TMA, alongside our partners, will advocate for the removal of the sunset. We will also seek allowances for audio-only telehealth in



circumstances where patients are unable to access audio-video technology.

## COVID-19 Special Session Cleanup

TMA will be working on a cleanup bill with the Tennessee General Assembly to make it clear that physician practices enrolled in Medicare and/or TennCare are exempt from the law that was recently passed prohibiting businesses from mandating verification of a COVID-19 vaccine or face covering. Vaccine mandates imposed at the federal level have the potential to place medical providers in a conflicting position between state and federal laws. Although TMA worked to have health providers exempted from the final version of legislation, the language provided to the sponsors was changed during an early-morning hours debate and drafted incorrectly. The intent, however, is clear: medical practices are exempt. TMA will work to amend the statute to more accurately reflect the exemption.

## Balance Billing

TMA leads a coalition of physician specialty organizations in protecting physicians' ability to negotiate a fair reimbursement when providing out of network care. Our bill would only require patients to pay according to their in-network responsibility if they receive a surprise medical bill, and would allow out-of-network physicians to pursue fair payment from health insurance companies through an independent arbitration process if the initial payment was unsatisfactory. The bill is based on a successful model used in Georgia. It would incentivize health insurance companies to offer fair, in-network initial payments to out-of-network hospital-based physicians.

## IN MEMORIAM

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

**Blair D. Erb, Sr., MD, FACP**, age 90, of the Consolidated Medical Assembly of West TN on September 25, 2021.

**Daniel P. Labrador, Jr., MD**, age 84, of the Chattanooga-Hamilton County Medical Society on October 7, 2021.

**Clifton K. Meador, Sr., MD, FACP**, age 90, of the Nashville Academy of Medicine on October 11, 2021.

**Donald Lee Gaines, MD**, age 87, of the Nashville Academy of Medicine on October 14, 2021.

**C. Gerald Sundahl, MD**, age 82, of the Knoxville Academy of Medicine on October 22, 2021.

**Richard B. Terry, MD**, age 87, of the Nashville Academy of Medicine on November 1, 2021.

**John Wilson Campbell, MD**, age 93, of the Knoxville Academy of Medicine on November 7, 2021.

**F. Curtis Dohan, Jr., MD**, age 86, of the Memphis Medical Society on November 16, 2021.

**Daniel Lawrence Dickerson, MD**, age 72, of the Sullivan County Medical Society on November 17, 2021.

# Physicians Exempt from Special Legislation COVID-19 Mandate Prohibitions

After extensive study of a new law enacted by the Tennessee General Assembly and signed by Governor Lee on Nov. 12, TMA has concluded that physicians who participate in Medicare or Medicaid (TennCare) are exempt from the definition of “private business” in Public Chapter 6 of the Third Extraordinary Session (SB 9014/HB 9077) based on a fix successfully advocated for by TMA. That means **physicians may choose to institute COVID-19 vaccine and mask mandates for their staffs and patients without violating the new state law.** It also means they will not be placed in a position of conflict with laws and regulations mandating COVID-19 vaccines issued by the federal government. Finally, it means doctors will not have to go through a state application process to become exempt based on the potential loss of federal funds by compliance with the new state law.

“When the new law passed, it was evident to us from our review of the legislative hearings that physicians who participate in Medicare or TennCare were intended to be exempt,” according to TMA General Counsel Yarnell Beatty. “However, due to a drafting anomaly in conference committee, we had to take a closer look. Now it appears all stakeholders are in agreement that those physicians, as well as hospitals, are out from under the COVID-19 vaccine and mask mandate prohibition.”

This conclusion will keep physician practices from landing in a “Catch-22” position of having to either comply with state law and possibly violate federal mandate or other law or comply with federal law and possibly violate the state vaccine mandate prohibition law.

Two sets of federal COVID-19 OSHA emergency standards were

issued in recent months. One requires health care settings to adopt policies to protect workers from COVID-19 exposure in the workplace. To qualify for an exemption, medical settings have to screen people for the virus and not allow entrance to anyone positive, or believed to be positive, for COVID-19.

The second OSHA ETS, issued earlier this month, would require any employers with 100 or more employees to require its work force to be vaccinated for COVID-19 or be tested. Enforcement of it was immediately stayed by a federal court pending further litigation now in the Sixth Circuit Court of Appeals. In the meantime, the Biden administration announced on Nov. 17, that OSHA is suspending enforcement and activities related to the mandate pending the outcome of the court’s decision.

Additionally in November, CMS issued a COVID-19 vaccine mandate regulation for health care workers in settings such as hospitals that are subject to Medicare or Medicaid Conditions of Participation. This is also being challenged but still in effect as of this communication.

Compliance with any of the above federal regulations would have caused physicians to violate state law had the exemption not been provided to physicians in the state law. There is general agreement among state legislators that the drafting anomaly will be fixed via legislation during the regular session of 2022. Until then, physicians should be pleased that the exemption was successfully advocated for by TMA’s government affairs team and that a slippery slope of further problems in receiving Medicare and Medicaid reimbursement may be averted.



**Appropriate Prescribing in Tennessee: 2021-2022**

Our proprietary, accredited online course meets the state medical board's requirement on prescribing training and earns you two (2) CME hours

[tnmed.org/prescribing](https://tnmed.org/prescribing)

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# Legal Briefs

## "Death with Dignity" Legislation Survey

Your TMA Government Affairs team anticipates that "death with dignity" legislation will be introduced in the TN General Assembly in 2022 that would allow a physician to issue a prescription for a lethal dose of medication to a patient who is confirmed to have an incurable terminal condition with life expectancy of six months or less. In addition, the patient must be confirmed by medical evaluation not to have a mental condition that prevents them from making an informed decision to receive a lethal dose of a drug. Many other safeguards will be included in the bill to protect vulnerable patients from being coerced into taking this option. Ethical opinions are arguably open to both sides of the issue. That aside, TMA is surveying members' attitudes about "death with dignity" to assist us in taking a position on the bill. Visit [tinyurl.com/tndignitysurvey](https://tinyurl.com/tndignitysurvey) to voice your opinion.

## Renewal of E-Rx Waiver Article

Tennessee law requires any prescription for a Schedule II, III, IV or V controlled substance to be issued by the prescriber as an electronic prescription to the pharmacy unless the prescription falls under one of the exceptions or the prescriber has a waiver from this requirement. If you have a waiver for 2021, a renewal must be submitted at least 60 days prior to the expiration of the current waiver. Go to [TNmed.org/lawguide](https://TNmed.org/lawguide) to access the topic, *Prescription Laws* (section X., page 18), for more details.

## No Surprises Act – Interim Final Rules

Congress passed the No Surprises Act (NSA) in Dec. 2020, and it will apply to all insurance plans (including ERISA plans) except for Medicare, Medicaid, and TRICARE. Read TMA's articles on this new law on our website at [TNmed.org/no-surprises-act](https://TNmed.org/no-surprises-act).

## Continuing Medical Education (CME)

Physicians who renew their Tennessee medical license in 2022 must complete the 40 hours of CME required by the Board of Medical Examiners (BME) or the Board of Osteopathic Examination (BOE) by Dec. 31, 2021. Please note that the licensing boards have NOT suspended CME requirements because of the COVID 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. Contact the TMA legal department at [legal@tnmed.org](mailto:legal@tnmed.org) with any questions regarding CME compliance.

## CMS Mandate for Vaccination

CMS published an emergency regulation to require COVID-19 vaccination of eligible staff at health care facilities that participate in the Medicare and Medicaid programs. The interim final regulation was effective on Nov. 5 and may be accessed by going to [federalregister.gov](https://federalregister.gov) and typing *86 FR 61555* in the search box. FAQs on the regulation were also published, and one of them specifically states CMS does not believe it has the authority to mandate the vaccine for independent physicians/clinicians. There is also an FAQ stating that a physician with admitting privileges and/or treating patients at a hospital must be vaccinated for the hospital to be compliant with this requirement. See pages 2 and 4 of the FAQs on the interim final rule at [cms.gov](https://cms.gov), and viewing CMS Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule.

## CSMD Query Requirements

Current Tennessee law requires a prescriber to check the Controlled Substance Database before issuing a prescription for certain drugs. The Department of Health has amended the database rules, and beginning Jan. 26, 2022 a prescriber will have to check the database before issuing a **Schedule II amphetamine** in addition to prescriptions for opioids or benzodiazepines. If you are unsure which circumstances require the database check, or if believe you might be exempt from this requirement, review our Law Guide topic, *Controlled Substance Database* (section VII D. – F.), at [TNmed.org/lawguide](https://TNmed.org/lawguide).

## 2015 Credentialing Law

For several years TMA advocated for passage of legislation to allow physicians going through the credentialing process to be reimbursed for services provided during the process. TMA members need to review our *Guide to the 2015 Credentialing Law* to be aware of some nuances of this law in order to take advantage of its benefits. You may access it at [TNmed.org/legal](https://TNmed.org/legal).

## X-Ray Operator in a Physician's Office

Under the x-ray operator supervision rules for Tennessee, a physician assumes full control and responsibility for the services provided by any x-ray operator employed by the physician. An x-ray operator performing x-rays outside his/her licensure or working with an expired license could subject the employing or supervising physician to discipline by his/her licensing board for requiring or allowing an x-ray operator to perform outside the scope of his/her limited licensure or without current state licensure. See TMA's Law Guide topic, *X-Ray Operators*, for all of the requirements at [TNmed.org/lawguide](https://TNmed.org/lawguide).



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