



# 2014 LEGISLATIVE REPORT CARD

A Summary of TMA's Advocacy in the 108th Tennessee General Assembly

# 8,000 STRONG

TMA carries the collective voice of physicians from across the state on Capitol Hill, working directly with lawmakers to influence public policies affecting the practice of medicine.

We protect the medical profession by relentlessly pursuing laws that improve physicians' effectiveness, and fighting regulatory changes that jeopardize the physician-patient relationship or add administrative burden without improving the delivery of care.

We advocate on behalf of patients to improve the quality, safety, accessibility and affordability of medical care in Tennessee. We make sure physicians have a say in state-level decisions on critical public health issues.

**We represent physicians. We protect patients. We influence policy.**

# What Has TMA Done for You Lately? **A LOT.**

Our government affairs experts work every day – all year long – to represent your interests and make sure physicians succeed on the highest priority state-level issues. Their tireless, often behind-the-scenes work extends beyond the specific bills covered in this document and is one of many ways TMA delivers value to our members.

But unlike other TMA member benefits, our legislative advocacy work directly benefits ALL Tennessee physicians, regardless of whether they are members. Remind your non-member colleagues of that the next time you pass in the hallway or consult over a patient case. Ask them to consider how much stronger your Association could be if every physician in the state got involved. Ask them to join you in shaping the future of medicine in Tennessee.

# 2014 LEGISLATIVE SUCCESSES

## TMA Legislative Package

	Position	Outcome
 <b>Payer Accountability</b> – SB2427/HB2303 by Senator Bo Watson (R – Hixson) and Representative Jon Lundberg (R – Bristol) – Provides financial stability for physician practices by requiring insurance companies to honor compensation provisions of their contracts for the term of the agreement.		Passed four Committees before being taken off notice in Finance. Meetings taking place this summer.
 <b>Peer Review</b> – SB2052/HB1955 by Senator Doug Overbey (R – Maryville) and Representative Vance Dennis (R – Savannah) – This legislation was brought jointly by TMA and THA. Clarifies that documents as well as discussions in a peer review setting are non-discoverable and participants are immune from liability for good faith efforts. Also allows Quality Improvement Committees to share information.		Enacted as Public Chapter 0651 effective April 8, 2014.
 <b>Healthcare Consumer Right-to-Know Profile</b> – SB1853/HB2171 by Senator Rusty Crowe (R – Johnson City) and Representative Barrett Rich (R – Somerville) Provides a pathway for a physician supervisor to have his/her name removed from an APN or PA's DOH profile if he/she is not the physician supervisor.		Enacted as Public Chapter 0898 effective January 1, 2015.

## TMA Legislative Package

TMA Legislative Package	Position	Outcome
 <p><b>Pain Management</b> – SB2000/HB1939 by Senator Ken Yager (R – Kingston) and Representative Bill Dunn (R – Knoxville) – Brings regulations and statute into alignment by requiring urine drug screens to be performed by a registered pain management clinic and amends the definition of a pain management clinic to clarify that most multi-specialty physician practices do not need to register as a pain clinic.</p>		<p>Enacted as Public Chapter 0700 effective July 1, 2014.</p>
 <p><b>Infant CPR</b> – SB1886/HB1788 by Senator Dolores Gresham (R-Somerville) and Representative Jeremy Faison (R-Cosby) – Clarifies when healthcare providers are required to provide a prenatal patient or caregiver of a newborn information on infant CPR in an effort to improve the timing and effectiveness of the education.</p>		<p>Enacted as Public Chapter 0594 effective July 1, 2014.</p>
 <p><b>Reports from CSMD to be part of the Medical Record</b> – SB1630/HB1426 by Senator Mark Norris (R – Collierville) and Representative Gerald McCormick (R – Chattanooga) – TMA and the Administration worked together to put forth a bill to allow healthcare providers to include reports from the controlled substance monitoring database to be included as part of the medical record.</p>		<p>Enacted as Public Chapter 0622 effective July 1, 2014.</p>



*Dr. George Woodbury, Jr. and Prudhvi Budati of Memphis meet with Representative Steve McManus.*



*Dr. Bryon Wilkes of Memphis as Doctor of the Day for the 108th General Assembly at Tennessee's Capitol Hill.*



## WHITE COATS FILL HALLS OF LEGISLATIVE PLAZA DURING DAY ON THE HILL

Approximately 200 physicians and other healthcare leaders convened in Nashville on March 12 to meet directly with lawmakers and discuss major issues affecting the medical profession in Tennessee. Governor Bill Haslam addressed the crowd during a luncheon at the Renaissance Hotel, where he thanked the TMA for its voice in healthcare policy, and urged physicians to stay actively involved.

“We need collaboration in healthcare. We need experts to weigh in on the policy decisions we make. That is why it is important for Tennessee physicians to get actively engaged in the process. You make valuable contributions by coming to Capitol Hill to express your views.”

— Governor Bill Haslam

Other Bills of Interest	Position	Outcome
<p><b>Telehealth Bill</b> – <i>SB2050/HB1895 by Senator Doug Overbey (R-Maryville) and Representative Kelly Keisling (R-Byrdstown)</i> – Requires that a health insurance carrier provide coverage under a health insurance policy for healthcare services delivered through telehealth in certain circumstances.</p>	 w/ Amendment	Enacted as Public Chapter 0675 effective January 1, 2015.
<p><b>Hospital Assessment</b> – <i>SB1908/HB1950 by Senator Doug Overbey (R-Maryville) and Representative Mike Harrison (R-Rogersville)</i> – Enacts the "Annual Coverage Assessment of 2014" to assess on each covered hospital an annual fee. This assessment covers healthcare provider cuts that otherwise would have gone into place, and preempts a \$50M cut to Graduate Medical Education funding.</p>		Enacted as Public Chapter 0877 effective July 1, 2014.
<p><b>Utilization Review/Prior Authorization</b> – <i>SB1142/HB0926 by Senator Mark Green M.D. (R-Clarksville) and Representative Glen Casada (R-College Grove)</i> – In addition to requiring that providers must have access to all guidelines that an insurance company uses to determine authorization, also requires that if no independently developed evidence-based standards exist for a particular healthcare item, treatment, test, or imaging procedure, only a licensed physician can make a final adverse determination to deny coverage. This bill was brought by the Tennessee Orthopedic Society and TMA worked with TOS and the NeuroSpine Committee to support it.</p>		Enacted as Public Chapter 0731 effective January 15, 2015.



*Dr. Leonard Brabson, Sr. instructs students on legislation and bills that impact the medical profession during TMA's Annual Day on the Hill.*



*Members of the Chattanooga-Hamilton County Medical Society prepare to speak with legislators.*

## GRASSROOTS ACTIVISM KEY TO SUCCESS

While TMA's lobbyists work hard to develop productive relationships with legislators and other elected officials, nothing carries more weight or influence than physicians themselves getting engaged in the process. Activism among TMA members – especially those who are constituents who live and/or work in a senator or representative's district – is *the* most effective way to build dependable political allies and secure much-needed committee votes when issues inevitably arise.

### Interested in getting more involved?

Your profession needs you. Start now at [tnmed.org/grassroots](https://tnmed.org/grassroots)

Other Bills of Interest	Position	Outcome
<p><b>Motorcycle Helmet Repeal</b> – <i>SB0548/HB0044 by Senator Mike Bell (R-Riceville) and Representative Cameron Sexton (R-Crossville)</i> – Permits motorcycle operators to ride without a helmet if certain requirements are met.</p>		<p>Failed in Senate Finance, Ways &amp; Means Committee on a 5-6 vote.</p>
<p><b>Gun Inquiry by Healthcare Providers</b> – <i>SB1974/HB1827 by Senator Frank Niceley (R-Strawberry Plains) and Representative Rick Womick (R-Rockvale)</i> – As drafted, this legislation would preclude healthcare providers from inquiring about a person's ownership, possession or use of firearms as a condition of receiving healthcare, or refusing to provide healthcare, because the person declined to answer such questions.</p>		<p>Taken off notice in House and Senate committees.</p>
<p><b>Physician Dispensing &amp; Pain Clinics</b> – <i>SB1663/HB1512 by Senator Brian Kelsey (R-Germantown) and Representative Tony Shipley (R-Kingsport)</i> – The final amended bill: removes the background check language; strikes listing of prescribers who write controlled substances on the DOH website; deletes the civil penalty section that could have resulted in \$10,000 fines; deletes the nuisance section; requires reporting to DOH for employees of a pain clinic; prohibits dispensing (not prescribing) of benzodiazepines and opiates from a physician office, except in a few circumstances, including seven days in connection with a surgical procedure or prepackaged samples.</p>	<p>Neutral w/ Amendment  Opposed as Filed</p>	<p>Enacted as Public Chapter 0983 effective January 1, 2015.</p>

## MONEY TALKS

The awkward but necessary relationship between money and politics means special interest groups must financially support campaigns to demonstrate passion, and purpose. TMA thanks all our members who donated to IMPACT in 2014, including the elite Capitol Hill Club.



**Not an IMPACT Member?  
Join today at [tnimpact.com](http://tnimpact.com)**



*TMA President-Elect Dr. John Hale Jr. of Union City signs on to become a Capitol Hill Club member during MedTenn 2014.*



*TMA physicians meet with Senator Bo Watson during the Annual Day on the Hill.*

Other Bills of Interest	Position	Outcome
<p><b>Notice of Out-of-Network Referral</b> – <i>SB2236/HB2063 by Senator Jim Tracy (R-Shelbyville) and Representative Billy Spivey (R-Lewisburg)</i> – Requires physicians to notify patients in writing before scheduling a healthcare service with, or making a referral to, a non-participating or out-of-network physician, provider or facility.</p>		<p>Taken off notice in House and Senate committees.</p>
<p><b>Medical Marijuana</b> – <i>SB2451/HB1385 by Senator Ophelia Ford (D-Memphis) and Representative Sherry Jones (D-Nashville)</i> – Creates the "Koozer-Kuhn Medical Cannabis Act." Establishes program for patients with chronic or debilitating medical conditions or treatments from such conditions to receive medical marijuana.</p>		<p>Failed in House Health Subcommittee on a 6-2 vote.</p>
<p><b>Limits on Pseudoephedrine Products</b> – <i>SB1751/HB1574 by Senator Mark Norris (R-Collierville) and Representative Gerald McCormick (R-Chattanooga)</i> – As amended, limits the purchase of ephedrine or pseudoephedrine to 5.76 grams per month up to 28.8 grams per year before a prescription is required. The bill also prohibits anyone under the age of 18 to purchase the product without a prescription.</p>	<p>Worked w/ Administration</p> <p>Opposed as Filed</p>	<p>Enacted as Public Chapter 0906 effective July 1, 2014.</p>
<p><b>Optometry Bill</b> – <i>SB0220/HB0555 by Senator Doug Overbey (R-Maryville) and Representative Vance Dennis (R-Savannah)</i> – As amended, limits the procedures performed by an optometrist, using a topical anesthetic, to the six currently performed by optometrists. There was also an additional amendment requiring basic life support that was adopted.</p>		<p>Enacted as Public Chapter 0638 effective April 8, 2014.</p>



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