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Newsletter of the Tennessee Medical Association

Issue

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FROM *the* PRESIDENT

Our TMA enjoyed a fantastic Day on the Hill on March 23 in Nashville—the first such in-person opportunity in three years! Many of us met there, and together, we experienced a renewed sense of energy, unity and optimism.

This networking and collegiality among physicians from all three grand divisions of our state and across specialties was gratifying to witness. It was equally important that we used the opportunity to meet with our legislators in an attempt to move our profession forward and to emphasize that it is possible for us to accomplish great things when we work together.

Be sure to visit tnmed.org/legislative to brush up on our latest legislative activity, and review our weekly legislative newsletter, Political Pulse, which is emailed on Fridays during the legislative session. It is important for each of us to stay informed and get involved in the process!

Our next statewide event of note will be our TMA annual meeting and House of Delegates which will take place May 21 in Franklin. We anticipate robust debate on important issues of the day.

You may have ideas about how to improve the practice of medicine in our state. I want you to know that your unique voice and perspective are welcomed and encouraged. With that in mind, I would like to challenge you to participate in that process.

Resolutions may be brought through delegates representing your component medical society, or your specialty society, or on an individual basis. Our TMA staff is also available to assist—even providing help in drafting a resolution—so I encourage you to submit ideas, questions and concerns to membership@tnmed.org if you are interested in participating in

the policymaking process.

A leadership transition will also take place at our TMA’s annual meeting. May I say that I have greatly enjoyed my year as president of our TMA, and I thank you for this honor to represent all Tennessee physicians, members and prospective members alike.

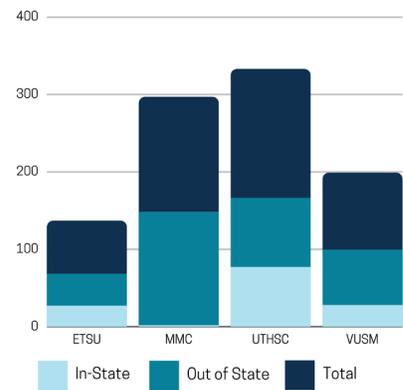
We have benefitted from enhanced cooperation and a renewed sense of collegiality during a challenging time for us and our patients, and I am confident that our TMA is in good hands heading into the future.

Please remember, we are all responsible for spreading the word to our fellow physicians, some of whom are not yet members of our TMA. Gaining a new member or perhaps members might be as simple as having a conversation with a colleague about why you value organized medicine! It turns out, this peer-to-peer communication—particularly within large groups and health systems—is our best membership recruitment tool with the decision makers we need to reach. Many of our physician colleagues have no idea how well our TMA functions to advocate for and support our state’s physicians, our profession and particularly our patients!

I believe strongly that we each have an obligation to financially support our profession, if we are able to do so, through our membership dues and our support of our TMA PAC. We are indeed stronger together, and our individual investment in our Tennessee Medical Association will result in helping us achieve our collective goal of improving care for and protecting our patients.



Ronald Kirkland, MD | 2021-2022 President



Match Day 2022 Stats in Tennessee

The National Resident Matching Program coordinates Match Day, an exciting time for students enrolled in medical schools throughout the state. In March, students learned where they will spend the next several years as resident physicians. We examine trends from four Tennessee universities.

East Tennessee State University - Quillen College of Medicine

Of the 68 students, 26 matched to in-state locations. Top specialties include family medicine (6), pediatrics (4) and internal medicine (3).

Meharry Medical College

Of the 148 students, two matched to in-state locations. Top specialties include anesthesiology (1) and internal medicine (1).

University of Tennessee Health Science Center

Of the 166 students, 77 matched to in-state locations. Top specialties include internal medicine (24), obstetrics-gynecology (8) and pediatrics (7).

Vanderbilt University School of Medicine

Of the 99 students, 28 matched to in-state locations. Top specialties include internal medicine (3), internal medicine-prelim (3) and pediatrics (3).

Matches to Institution

- 51 The University of Tennessee Health Science Center - Memphis
- 35 Vanderbilt University Medical Center
- 9 The University of Tennessee College of Medicine - Chattanooga
- 8 UT Ascension Saint Thomas - Nashville
- 8 The University of Tennessee Graduate School of Medicine - Knoxville
- 6 East Tennessee State University
- 4 UT Ascension Saint Thomas - Murfreesboro
- 3 HCA Healthcare TriStar Nashville
- 2 Baptist Memorial Medical Education

Q&A with Ed Capparelli, MD, TMA's President-Elect



At the upcoming House of Delegates, **Ed Capparelli, MD**, will become the 168th President of the Tennessee Medical Association. Dr. Capparelli is no stranger to serving in a leadership role for TMA. He attended his first House of Delegates in 1994 and has not missed a meeting since. During that time, he has served on several TMA committees,

the TMA Judicial Council, TMA's Board of Trustees and been Speaker of the House. He has been an active participant within his local society, the Roane-Anderson County Medical Society, including several years as president.

Dr. Capparelli practices as a family physician and serves as medical director for a community health center group in East Tennessee. He recently spent time discussing the future of organized medicine and outlined his priorities for his upcoming presidential term.

Talk about your leadership style and how it will translate to this role.

I have spent 30 years as a TMA member, and I have held many roles. What I look forward to most is trying to mend the divides that have crept in, such as metro vs. rural, speciality vs. primary care, or employed vs. private practice. I'd also like to help mend what Covid-19 has done to doctors. We need to emerge from this pandemic and start healing. We are a team and need to work together. The house of medicine needs to be one house. I feel I have something to offer this organization with all of my experience. The TMA is very important for the future of medicine. It needs to be a beacon of light and hope for the entire Tennessee medical community.

What are some the issues you intend to focus on during your term as president?

As president, my main focus will be physician wellness.

This is not just for physicians who reach burnout, but for all physicians. Most physicians will not admit that they are depressed or hurting. We need to make help available before they reach the stage of addiction or suicide. We are coming out of a pandemic with Covid-19 that has both financially and emotionally impacted physicians. A recent bill in Washington, DC focusing on promoting mental health for health care providers and removing barriers to accessing care and treatment was recently passed overwhelmingly by both houses of Congress and signed into law. Mental wellness among physicians will benefit both the medical community and all of the people of Tennessee.

I also want to focus on lessening the burden placed on us by insurance companies. Restrictions on getting approval for treatments, advanced imaging, surgeries and medications have caused physicians a great deal of time and extra staff to get approvals to the detriment of our patients. I recently spoke with our Washington, DC congressmen and senators concerning the need to address this issue. (*Read more about this meeting on page 5.*)

You attended our recent Day on the Hill. Tell us about the influence TMA has within the legislature.

It has a huge influence on our lawmakers. Legislators get bombarded from many groups with conflicting interests. If they do not hear from us, they cannot understand our issues and concerns. Covid-19 has placed a tremendous strain upon the entire healthcare industry that may not be obvious to outsiders. We need to present our situation clearly and in-person if we want those concerns addressed. Day on the Hill is a great opportunity for legislators to see us and hear what is important to us.

I have often said that if we are not sitting at the table, we are on the menu. We need our legislators working for us and not against us; they can only do that if we tell them what issues affect us. *Read the full interview at tnmed.org/news.*

TMA Medical Banking Available to Assist with Refinancing Loans



With federal interest rates rising, now is the time to check rates for refinancing student loans in minutes with

TMA Medical Banking/Medquity. If you have a mix of federal and private student loans, ask us about the "One Approval. One Loan. Two Fundings." product. It enables our clients to refinance private loans and gain approval to add federal loans within 12 months of closing at the same great rate.

Clients can also benefit from relief measures on federal

loans for as long as they last (or up to 12 months from closing). Joint venture buy-in loan financing is also available with a streamlined online application to finance the equity investment in an ASC dialysis center joint venture.

These offers are two of the many benefits TMA members have available through TMA Medical Banking/Medquity. To learn more about financing, please contact James Nicholson with TMA Medical Banking at 615.777.2173 or jnicholson@insbank.com. Additional information is available at medquity.com/tma-medical-banking.



Physicians Gather for Annual Day on the Hill

Nearly 200 physicians and healthcare advocates from across the state gathered in Nashville last month to bring the voice of medicine to Tennessee legislators at TMA’s Day on the Hill.

This annual event gives doctors the opportunity to educate the Tennessee General Assembly on important healthcare issues affecting the practice of medicine in the state.

Physicians who participated in the event met throughout the day with their elected representatives in order to cultivate and reinforce legislative relationships key to ensuring the profession is well represented when critical healthcare issues are raised.

“TMA had a very successful day lobbying for good healthcare policies on behalf of our state’s doctors and our patients,” said TMA president **Ron Kirkland, MD**. “It is important that our elected representatives know where their physician constituents stand on issues like Scope of Practice, Balance Billing and Telemedicine.

“Our goal is for our patients to benefit from this healthy dialogue with reduced costs and increased access to the best care our system can provide.”

TMA’s top legislative priorities for the 112th General Assembly included Scope of Practice, Balance Billing, Telehealth and Covid-19 clean up efforts.

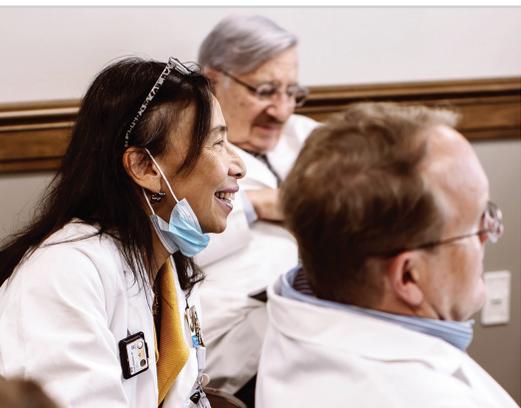
Prior to the event, several of these issues were effectively settled for this session:

- For Scope of Practice (SB176), TMA staved off efforts by advanced practice registered nurses to achieve independent practice this session.
- TMA’s Covid-19 Clean-Up bill (HB2858) sailed through the House Health Committee, with the measure receiving no amendments or opposition.
- Audio-Only Telehealth (SB1846) was amended to clarify the definition of “unavailable” to mean a patient does not own the technology to conduct an audio-video encounter; the encounter can not take place due to lack of service; or the patient has a physical disability which inhibits the use of video technology.

Other pertinent issues for which physicians lobbied include Coverage for Breast Examinations (SB2771/ HB2544), Professional Privilege Tax Repeal (SB88/ HB519 and SB2524/ HB2776), and Step Therapy Reform (SB1310/ HB2447).

During the 2021-2022 sessions, TMA reviewed more than 3,550 total bills. In 2022, 1,574 bills filed were initially reviewed. TMA analyzed 318 bills and tracked each one through the session.

Additional information regarding TMA’s legislative priorities is available at tmed.org/legislative.



TMA Leadership Meets with Federal Lawmakers

TMA leadership and members from across the state came together to lobby Congress on three critical issues affecting medicine at the federal level: Medicare Fee Adjustments, Telemedicine and the Prior Authorization rules of health insurance companies.

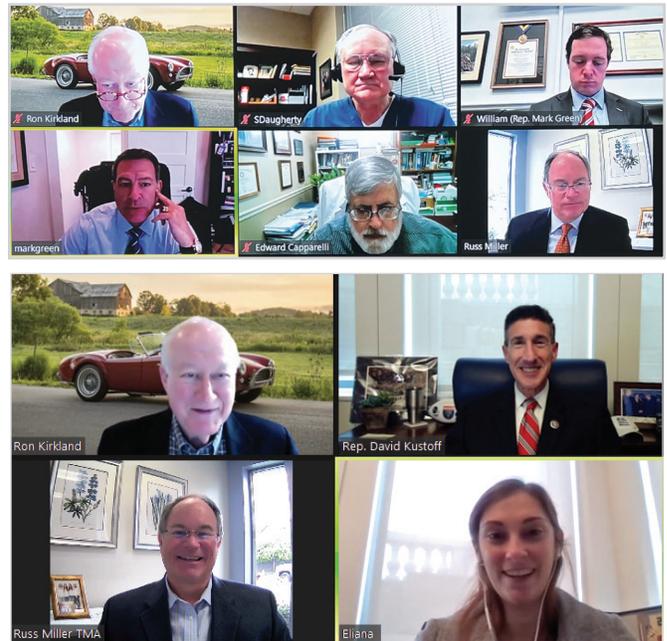
Over three days, President **Ron Kirkland, MD**; President-Elect **Ed Capparelli, MD**; and TMA CEO **Russ Miller** met virtually with various Tennessee lawmakers and their staffs from several congressional districts:

- **Tuesday, March 29:** Senator Bill Hagerty (R-TN); Rep. Mark Green, MD (R-TN); Senator Marsha Blackburn (R-TN)
- **Wednesday, March 30:** Rep. John Rose (R-TN); Rep. Steve Cohen (D-TN); Rep. Scott Desjarlais, MD (R-TN); Rep. Chuck Fleischmann (R-TN)
- **Thursday, March 31:** Rep. Tim Burchett (R-TN); Rep. David Kustoff (R-TN)

During these meetings, physicians asked congressional members to re-evaluate the fee system for Medicare and factor in an annual adjustment for physician fees to keep up with inflation, cover the cost of running a medical practice and invest in innovation.

One of the more positive changes to come from Covid-19 was the accelerated rate of use of telemedicine. TMA asked lawmakers to support continued use of telemedicine by addressing a number of regulations that were waived during the public health emergency, but will go back in place soon and dissuade continued use of telehealth by medical practices.

TMA's last plea was to support legislation seeking to minimize the intrusiveness and burden on medical practices and patients caused by prior authorization practices. While the vast majority of procedures and prescriptions are approved, and most practices do not engage in



Virtual meetings with Rep. Mark Green, MD (top) and Rep. David Kustoff.

overutilization or seek waivers, the insurance industry continues to force all providers to regularly obtain prior authorizations. These hassles result in additional costs for practices and dangerous delays to patient care.

Additional TMA members who participated in these in virtual visits included Elise Denny, MD, from Knoxville; Turney Williams, MD, from Johnson City; Stephen Daugherty, MD, and Patrick Fitch, MD, from Clarksville; Jim King, MD, from Selmer; James Cates, MD, and Leslie Treece, MD, from Cookeville; and Vijaya Appareddy, MD, from Chattanooga.

TMA and other state medical societies convened with members of Congress as part of the AMA National Advocacy Conference.

IN MEMORIAM

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

Edward Eugene Anderson, MD, age 85, of the Nashville Academy of Medicine on March 18, 2022.

Richard Levere Elliott, MD, age 85, of the Washington-Unicoi-Johnson County Medical Society on March 1, 2022.

Cary G. Hodnett, MD, age 86, of the Chattanooga-Hamilton County Medical Society on March 12, 2022.

***John Donald Jones, MD** of the Nashville Academy of Medicine.

Saul A. Juliao, MD, age 90, of the Nashville Academy of Medicine on March 6, 2022.

George Wallace McLean, MD, age 74, of the Chattanooga-Hamilton County Medical Society on March 30, 2022.

John Allen Murphy, MD, age 80, of the Bradley County Medical Society on March 25, 2022.

Robert L. Richardson, III, MD, age 87, of the Tennessee Medical Association on March 2, 2022.

Donald B. Wyche, MD, age 90, of the Washington-Unicoi-Johnson County Medical Society on March 20, 2022.

*TMA could not confirm exact date of passing at the time of publication.

TMA House of Delegates and Annual Meeting: May 21

TMA's 187th House of Delegates and annual meeting is slated for Saturday, May 21. It will take place at the Franklin Marriott Cool Springs hotel.

Last year, approximately 130 credentialed delegates attended the day-long event to navigate important issues with efficiency. Some of the amendments and resolutions for 2022 include:

- Bylaw Amendment 01-22: Resident and Fellow Members Voting in TMA Elections
- Bylaw Amendment 02-22: Nominations for Speaker and Vice-Speaker of the House of Delegates
- Bylaw Amendment 03-22: Confirmation of Judicial Counselors as Officers of TMA
- Resolution 01-22: The Approaching Physician Shortage Crisis

Ed Capparelli, MD, will be appointed the 168th President for 2022-2023, and **Ron Kirkland, MD**, will become the Immediate Past President. Elections will be held for speaker and vice speaker of the House of Delegates, and newly-elected members of the Board of Trustees and Judicial Council will be installed.

If you would like to serve as a delegate please contact your component medical society for additional information. If you plan to attend as a delegate, the last day is Friday, April 29. The deadline to submit resolutions is May 19. Resolutions submitted after this time are considered emergency resolutions.

Visit tnmed.org/HOD for a registration link, hotel information and details on how to serve as a delegate. If you have any questions, contact Amy Campoli at 615-460-1650 or amy.campoli@tnmed.org.



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Legal Briefs

Prior Authorization Workgroup

In 2020, TMA formed a workgroup comprised of physicians, medical practice executives and payers to meet monthly and work toward solutions to improve the prior authorization process. TMA is now soliciting feedback from our members. Is the prior authorization process overly burdensome? If so, how can it be improved? Read a summary of the workgroup's progress at tinyurl.com/tmapaworkgroup and access our Prior Authorization Experience Form to share your thoughts.

CME Date Requirement for License Renewal

Effective June 6, new rules will change the time period physicians have to obtain CME before licensure renewal. Read our article for details: tinyurl.com/tmabmechange.

Three Rivers Provider Network Scam Alert

Be on the lookout for a \$15 check from TRPN Direct Pay along with a Provider Participation Agreement Amendment. A TMA member recently received one of these and reported it to the TMA Legal Department. Read our article at tinyurl.com/tmatrpn for details.

CSMD Query - Methylphenidate

Recently, a TMA member asked if a prescriber must query the controlled substance monitoring database (CSMD) before prescribing Methylphenidate and its derivatives since it behaves like an amphetamine although it is not one. TMA verified with the CSMD committee that physicians do not have to query the database before prescribing Methylphenidate and its derivatives. Current rules require a query before prescribing a Schedule II amphetamine, an opioid, or a benzodiazepine. For additional information on this topic, review TMA's Law Guide topic, *Controlled Substance Database*, at tnmed.org/lawguide.

TOSHA Emergency Rule on Covid-19

In August, Tennessee OSHA (TOSHA) adopted an emergency rule requiring healthcare workplaces with more than 10 employees to adopt a Covid-19 plan to protect workers. This emergency rule expired on Feb. 20. Read our article at tinyurl.com/tmacovidrules summarizing the expiration and its impact on physician practices.

BME Sexual Misconduct Policy

The Board of Medical Examiners adopted an updated sexual misconduct policy which went into effect Jan. 25. It provides guidance to medical doctors on which behaviors would subject a licensee to disciplinary action based on sexual misconduct. Learn more about the updated policy: tinyurl.com/tmasexualmisconduct.

Court Win for Doctors Levels Balance Billing Rules

On Feb. 23, a federal court removed several pro-insurance industry provisions of the No Surprises Act rules related to the arbitration provision. In a lawsuit brought by the Texas Medical Association, the court decided that several rules conflicted with the Act. The rules as promulgated gave health insurance plans a considerable advantage in arbitration when an out-of-network provider challenged a low payment by a health plan. The court's ruling helps level the playing field. The arbitrator now has to consider five different factors instead of one when determining proper reimbursement. Providers will be able to argue to the arbitrator that their reimbursement should be higher than the in-network rate. The ruling is the best outcome for this litigation, which TMA supported financially and by filing an amicus brief through the Physicians Advocacy Institute, which TMA helped create.

Covid-19 Vaccine Mandate and Exemptions

The Tennessee General Assembly passed a law regarding a request for a medical or religious exemption from a Covid-19 vaccine mandate by an eligible employer. To fully understand the legally-required response to an exemption request, review section III. C. of our Law Guide topic, *Covid-19 Mandates and Medical Practices*.

Professional Privilege Tax Due June 1

Tennessee law requires all physicians with an active license from the BME or BOE to pay a professional privilege tax annually. *This is only a courtesy reminder to all our members; TMA has no record of whether you paid the tax or if your license is retired.* Payments can be made online at tn.gov/revenue. Any questions should be directed to legal@tnmed.org.





701 Bradford Avenue
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