



Topline

Newsletter of the Tennessee Medical Association

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LEGISLATIVE DINNERS

Read more on Page 4.



What's Inside



The "Eat the Young" Mentality in Medicine

TMA member Michael Baron, MD, makes the case for treating peers with respect.

Page 3.



Serve as Doctor of the Day in 2023

Represent your colleagues on Capitol Hill. Registration for this program is now open.

Page 5.



Prescribing Course Available Online

Meet the BME requirement with TMA's updated course.

Page 4.



Legal Briefs

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

Page 7.

FROM the PRESIDENT

I moved to East Tennessee in the middle of 1993. The timing is important, because in January 1994 Tennessee patients and physicians experienced the beginning of TennCare. There was great confusion. Doctors were not getting paid. There were seven different MCOs with seven different formularies. I realized then that to make any change I had to get involved in the process. I joined TMA in early 1994 and have been very active ever since.

TMA has experienced many successes in the legislative arena since that time. Recently the annual \$400 Professional Privilege Tax for physicians was abolished, and Tennessee became one of the first states to permanently enable payments for telemedicine services. Both issues stand to positively influence the bottom lines of our practices.

Recently, TMA was named the most influential advocacy organization on Capitol Hill. Our lobbyists review hundreds of bills each year to identify measures that promote or threaten good healthcare policies, and then organize member physicians and organizations to help carry TMA's support or opposition.

Today, we face large issues like addressing prior authorization hassles, preserving Tennessee physicians' ability to lead patient care and oppose unsafe scope of practice expansion by midlevel providers, and prioritizing physician wellness.

In order to tackle these large issues and affect change at this scale we need volume. Tennessee physicians must recognize, preferably early in their careers, much like I discovered in 1993, that the best path toward shifting the landscape in physicians' favor is through membership.

There is strength in numbers, and doctors must band together, recognize the outsized influence TMA carries with policymakers in the key healthcare debates taking place, and articulate our vision for a better path forward out of the morass of challenges we collectively face. We owe it to those who came before us and those who will follow. That does not necessarily require active participation—though TMA affords those opportunities—but we need the buy-in and financial support of all Tennessee physicians through membership.

Advocacy isn't the only benefit of membership. TMA hosts virtual all-member meetings with one hour of CME credit available per meeting. These occur in the evening and are free all members.

TMA established a leadership institute allowing physicians to develop skills that will enable them to become leaders in their groups, medical staffs, and TMA committees.

Physician burnout has become a very real problem facing us all. Recent studies involving over 4,000 physicians show 60 percent have signs of early burnout. Programs currently being developed in several areas of the state provide free or low-cost counseling services for TMA members.

These and many other programs are available only to TMA members and make the return well worth the investment. Please encourage your group and your colleagues to join TMA, and let's band together in solidarity to confront today's challenges faced by our profession.

Edward W. Capparelli, M.D.

Edward Capparelli, MD | 2022-2023 President



November All Member Virtual: Reproductive Health in Tennessee

Join TMA members from across the state for the next TMA All Member Virtual meeting, Reproductive Health in Tennessee: Impact of the Dobbs Decision and Tennessee's "Trigger Law," on Tuesday, Nov. 1 at 6:30 pm CT. The meeting will feature an in-depth panel discussion on reproductive health in Tennessee following the US Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* and subsequent implementation of the state's "trigger law."

TMA President Edward Capparelli, MD will moderate the discussion. **Yarnell Beatty**, TMA Senior Vice President and General Counsel and **Julie Griffin**, TMA Vice President of Government Affairs will participate as panelists. Additional participants will include:

- **Randal Dabbs, MD**, President of Practice Development, TeamHealth
- **Howard Herrell, MD**, Chair, Tennessee Section of the American College of Obstetricians and Gynecologists (ACOG)
- **Nicole Schlechter, MD**, CMO, Saint Thomas Midtown Hospital

The meeting is free and open to TMA members, but registration is required. Visit tnmed.org/events to register and view recordings of past meetings. TMA members are encouraged to submit questions in advance to doug.word@tnmed.org. Those selected will be directed to the appropriate panelist during the Nov. 1 meeting.

The “Eat Your Young” Mentality is Alive and Well in Medicine: Part 1



Michael J. Baron, MD
TMF Medical Director

This article was submitted by TMA member Michael J. Baron, MD, MPH, DFASAM

When you Google the term “eat your young mentality,” the first five results refer to how nurses belittle and treat each other with contempt, especially recent graduates. Eating your young is defined by one source as

“neglect, betrayal, or harsh criticism of a group that is of a lower status or position.” In this case, it refers to how the more experienced staff will sometimes intimidate and even sabotage the new nurses—who, of course, will inevitably make a mistake.

Unfortunately, this is not limited to the nursing profession; in my experience, physicians are just as guilty. The medical profession does a poor job of supporting physicians who are sick and in need of help. This is not a recent phenomenon; the “pull yourself up” mentality is time-honored and lethal. It is ironic that we treat our patients much better than we treat our peers with the same illnesses.

Time and again I have seen this harsh punitive treatment of my peers, especially during my time as TMF medical director.

I can give two recent examples.

In one case, a PGY5 surgical specialist resident addiction-related antisocial behavior was terminated with four months left in his training. He was arrested for prescription fraud but was never convicted; instead, he reached a pre-trial diversion plea deal with the district attorney’s office. Even though he completed treatment and was compliant with monitoring while in recovery, he was still fired and had to find another place to complete his training. He eventually found another PGY5 position and received a waiver from his specialty board for the requirement of having to complete the last two years of training in the same institution. Although he is now doing very well, his termination had a significant impact on him. It also sent a message that I believe severely impacted the next surgical resident with a substance use disorder in the institution. This resident ended his own life rather than face the consequences of his Alcohol Use Disorder which, based on precedent, may have included termination from residency.

The second case is an early career physician. In his first year of practice as a surgical specialist, he developed a short-lived Opioid Use Disorder ignited by a legitimate opioid prescription for a sports-related injury. While he was in treatment getting help for his disease, he was fired from his job; the group said it was because of his dishonesty.

Even though making a complaint to the licensing boards by statute can be discretionary, in both cases, like the proverbial salt in the wound, formal complaints were made.

In the next article, we will make the case for supporting, rather than punishing or terminating, our peers who have behavioral health disorders. As always, if you or a colleague needs help with an addiction, mental or behavioral health problem, contact the TMF at e-tmf.org or 615-467-6411. We are here to help.

Clarus Care: A Better Way to Manage After-Hours Calls

Clarus is a technology-based solution to after-hours call management. With Clarus, your medical practice can improve efficiency and lessen time to patient care.

Jordan-Young Institute used a live operator service for after-hours that caused delayed patient care due to long hold times and inaccurate call routing. Their process had no flexibility and was riddled with human errors, causing doctors to consistently receive the wrong calls.

After reflecting on how the process might be improved for patients and physicians, they chose to implement Clarus to provide better care for their community..

“Clarus After-hours has made taking calls much easier and more efficient. Physicians are happier, office staff have more

insight and control, and patients are receiving care more quickly. After-hours has worked so well for us, we switched to Clarus for daytime calls as well,” said James McNamara, Chief Executive Officer of the Jordan-Young Institute.

Learn more about the institute’s experience by reading the full case study at claruscare.com/resources. Clarus’ After-hours Call Management product eliminates miscommunications and provides your team with an on-call inbox, flexible scheduling calendar and custom notifications. Visit claruscare.com/after-hours for more details.

Brought to you by  Clarus
a TMA  sponsor.

2022 Legislative Dinners Scheduled Across the State

TMA will host legislative dinners in key markets this fall, providing physicians with an opportunity to discuss key issues and engage with their elected representatives. TMA advocacy representatives participate in the discussions, outlining priorities for the coming year and recapping recent successes. The meetings help TMA members shape policy by addressing areas of concern to the profession and encouraging dialogue with legislators.

Rep. Bryan Terry, MD (R-Murfreesboro) has a unique perspective as both TMA member and elected representative. Dr. Terry, a Murfreesboro anesthesiologist, was elected to the Tennessee General Assembly in 2014 and serves as Chair of the House Health Committee.

“The saying is that the government works for those that show up,” said Terry. “In medicine, there are numerous stakeholders or entities competing in the healthcare marketplace and legislative arena including physicians, insurers, hospitals, corporate entities, nurses, and other providers. These non-physician groups get involved financially and personally in the process. If physicians aren’t active, our practices, and most importantly, our patients will be without a voice in the legislative process.”

TMA legislative dinners are open to all members. Below are confirmed dates and participating component medical societies:

- **October 11** – Upper Cumberland Medical Society
- **November 14** – Memphis Medical Society
- **November 15** – Nashville Academy of Medicine
- **November 17** – Chattanooga-Hamilton County Medical Society
- **November 28** – Region 2 (Consolidated Medical Assembly of West Tennessee and Northwest Tennessee Academy of Medicine)
- **November 29** – Montgomery County Medical Society
- **December 1** – Knoxville Academy of Medicine
- **December 8** – Stones River Academy of Medicine



“Legislators want the opportunity to meet and discuss healthcare with physicians in their community, and physicians need to talk to their elected officials about issues impacting their ability to care for patients,” said Terry. “These legislative dinners provide an excellent opportunity for a productive exchange of information while helping physicians build a rapport with legislators. The impact can be as simple as introducing legislators to issues that matter or, perhaps, physicians may gain a legislative advocate for our practices and patients.”

For additional information about these meetings visit tnmed.org/legislative-dinners. Contact Anjanette Eash at anjanette.eash@tnmed.org if you are interested in joining or participating. Additional information on TMA’s legislative priorities is available at tnmed.org/legislative.

Dr. Terry advises physicians interested in participating in the legislative process at the state level to get to know their elected representatives.

“The very best way to initially get engaged with your elected state official is to call or email their office and ask to meet them for coffee in their district,” said Terry. “Let them know you are a physician and a constituent, and that you would just like to meet them to be a resource for them. When you first meet your official, try not to talk about issues or politics. Get to know them on a personal level. Then send them a follow-up email or letter to thank them. Show up to some of their events or send them appreciative emails throughout the year. Donate to their campaign at some point. Once they know you are active, when a medical issue arises, they will be much more inclined to listen to your concerns.”

TMA’s Prescribing Course Includes 2022 Updates



TMA’s “Appropriate Prescribing in Tennessee: 2021-2022” online course is for physicians and all others on a healthcare team who are licensed to prescribe medication for pain.

Information that has been updated due to 2022 changes includes: Naloxone for opioid prescriptions, Part 2 programs (buprenorphine) reporting to the CSMD and prescribing buprenorphine via telemedicine. The course features

Michael Baron, MD, MPH, DFASAM, medical director of the Tennessee Medical Foundation and an expert on proper pain management.

Effective June 6, new rules change the time period licensees have to obtain CME before licensure renewal. A physician is no longer required to obtain the 40 hours in the two calendar years prior to date of renewal; it should be obtained within the immediate 24 months prior to renewal.

The course is \$49 for TMA members and \$99 for non-members. It is available at tnmed.org/prescribing.

Volunteer as TMA's Doctor of the Day in 2023

Are you interested in the legislative process? Have a passion for health policy? TMA's Doctor of the Day program connects physicians directly with lawmakers to turn your passion into action.

Volunteers will spend one day in Nashville interacting with state lawmakers, attending committee hearings, and working with TMA lobbyists to leverage your expertise into legislative advocacy.

In the 2022 legislative session, TMA member and OB-GYN **Howard Herrell, MD** from Greeneville represented physicians on the issue of scope of practice. As chairman of the Coalition for Collaborative Care, Dr. Herrell served as the voice of the physician-led, team-based care model and provided keen insight to legislators on the challenges facing physicians in rural communities.

"Having the opportunity to serve as the Doctor of the Day at the Capitol was a great honor," said Herrell. "It gives physicians the opportunity to meet face-to-face with lawmakers and provide valuable expertise and industry

knowledge. It also reinforces our commitment to service and keeps us engaged with policymakers throughout the legislative season.

By combining service and advocacy, this great opportunity enables TMA members to positively influence public policy in Tennessee."

Registration for the 2023 Doctor of the Day program is now open. Slots are available every Tuesday and reserved on a first-come, first-served basis. Volunteers must have an active, unrestricted medical license and be a current TMA member to participate.

Claim your spot online at tnmed.org/doctoroftheday. Send questions to TMA's Advocacy Engagement Manager Erika Thomas at erika.thomas@tnmed.org.



Legislative Report Card Now Available Online



The 2022 Legislative Report Card is now available for all members. We encourage you to flip through for details regarding what TMA's government affairs team accomplished earlier

this year, whether you are preparing for a legislative dinner or reviewing issues for the upcoming session.

During the 112th Tennessee General Assembly, the TMA team supported several initiatives to reform insurance coverage and reduce onerous administrative burdens for patients and physicians. Visit tnmed.org/legislative to view the report card, or request a printed copy at advocacy@tnmed.org.

IN MEMORIAM

We offer our prayers and deep gratitude for all passing members.

Their positive impact on their patients and profession will last forever.

Joseph C. Bailey, MD, age 93, of the Stones River Academy of Medicine on June 17, 2022.

Donald D. Barnes, MD, age 94, on July 8, 2022.

Henry Wendell Foster, Jr., MD, age 89, of the Nashville Academy of Medicine on September 25, 2022.

William J. Fry, MD, age 64, of the Sevier County Medical Society on August 27, 2022.

William John Gutch, III, MD, age 89, of the Lakeway Medical Society on July 12, 2022.

Charles A. Mitchell, MD, age 101, of the Upper Cumberland Medical Society on June 17, 2022.

E.R. Neely, MD, age 87, of the Greene County Medical Society on September 14, 2022.

Stephen M. Neely, MD, age 77, of the Williamson County Medical Society on September 27, 2022.

Harry L. Page, Jr., MD, age 88, of the Nashville Academy of Medicine on August 1, 2022.

James M. Rouse, MD, age 85, of the Roane-Anderson County Medical Society on August 17, 2022.

E. Brad. Strange, MD, age 71, of the Greene County Medical Society on August 10, 2022.

Muriel Lester Williams, MD, age 96, of the Knoxville Academy of Medicine on August 18, 2022.

William N. Williford, MD, age 85, of the Knoxville Academy of Medicine on September 18, 2022.

Tennessee Department of Health Office of Investigations Seeking Specialists

The Tennessee Department of Health Office of Investigations is seeking specialists in multiple areas of medicine to serve as medical expert reviewers. This process involves approval by the Office of Investigations and completion of a minimal amount of payment and conflict of interest paperwork to become approved as a vendor for the state of Tennessee.

Upon completion of the vetting and vendor approval process, an expert reviewer will be given a complaint file that has been reviewed by the board's consultant and attorney with a recommendation for expert review.

The expert reviewer evaluates the circumstances and available evidence, then provides a written opinion as to whether a fellow practitioner met the standard of care, fell below the standard of care, or committed gross malpractice. The rate of pay for expert reviewers is \$500 per hour, and reviews take three hours on average. There is no travel involved, the review can be conducted independently at your own pace. Medical expert review for the Office of Investigations does not require any trial testimony.

When requested by the Department of Health to provide disciplinary case review, a physician licensee is eligible for one hour of CME credit for each hour spent reviewing materials, preparing the report, and submitting the report

of his or her conclusions. The maximum number of hours a physician may be awarded for this review during the 24 months that precede licensure renewal is 10 hours.

[BME Rule 0880-02-.19 (3)(c)]

Please email Melanie Rucker, Assistant Director for the Office of Investigations, at melanie.rucker@tn.gov for more information.

The DOH is seeking the experts in the following areas and specialties:

- Colorectal Surgery
- Dermatology
- Gastroenterology
- General Surgery
- General Surgery – Robotics
- General Surgery – Thyroid
- Gynecologic
- Oncology
- Hematology
- Internal Medicine
- Nephrology
- Neurological Surgery
- Neurology
- Orthopedic Surgery
- Osteopathic Gynecology
- Osteopathic Internal Medicine
- Osteopathic Orthopedic Surgery
- Osteopathic Physician
- Otolaryngology
- Psychiatry
- Pulmonology
- Radiology
- Spinal Surgery
- Urology
- Vascular Surgery



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are now eligible for a 5% scholarship towards Haslam College of Business' Physician Executive MBA program.

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THE UNIVERSITY OF TENNESSEE, KNOXVILLE

Contact tjbrown@utk.edu for more information.

Legal Briefs

Prior Authorization

When a physician communicates with an insurance plan or facility regarding additional information needed for a prior authorization, certain information must be communicated to the patient by the physician. Access our Law Guide topic, *Prior Authorization: Communication to Patient Required*, at tnmed.org/lawguide to understand the requirements.

Continuing Medical Education (CME)

Effective June 6, new rules change the time period licensees have to obtain CME before licensure renewal. Read our article for details at tinyurl.com/tmabmechange. The BME requirement includes a 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 two-hour course that meets all requirements for physicians and their prescribing staff. Learn more at tnmed.org/prescribing. Contact the TMA legal department at legal@tnmed.org with any questions regarding CME compliance.

Laws Impacting a Physician's Practice

Many state and federal laws require a practice to take an action or make a report. It is a good idea for a practice to review this topic to ensure it complies with these requirements. Visit tnmed.org/lawguide and view the topic titled, *Laws Impacting Physician Practice*.

Scope Chart for Clinical Staff in a Medical Practice

Developed by the TMA legal department, the Scope Chart for Clinical Staff in a Medical Practice will assist a physician in determining which procedures (e.g. injection, microdermabrasion) may be delegated to the clinical staff (e.g. LPN, medical assistant in his or her office). Visit tnmed.org/legal to review this chart. Member login is required. Direct any questions to legal@tnmed.org.

Laws Effective Jan. 1

Several laws enacted by the 2022 General Assembly will become effective Jan. 1 and may be of special interest to physicians. Read our article summarizing these laws at tinyurl.com/tmanewlawsjanuary.

TMA's Healthcare Law Guide

TMA's Healthcare Law Guide, accessible only to members, is a repository of research developed by staff addressing a

multitude of legal issues impacting the practice of medicine and patient care. The Law Guide covers a host of topics that includes: health reform provisions and mandates, state and federal laws and regulations, regulatory agency oversight, as well as ad hoc issues that physicians and practice staff have sought guidance on from the TMA. Any questions should be directed to legal@tnmed.org or 615-460-1645.



TMA Tennessee Medical Association **WCMS** Williamson County Medical Society

Group Membership

TMA and WCMS would like to recognize and welcome the **Bone and Joint Institute of Tennessee** as a new all-in membership group.

Thank you to all BJIT physicians for your commitment to organized medicine in Tennessee!

BJI
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