



LEGISLATIVE REPORT CARD



TMA had one of its most active and successful legislative sessions in recent history during the second session of the 110th General Assembly. Our lobbyists tracked 447 bills and amended, supported or defeated more than 50 pieces of legislation impacting Tennessee physicians and/or patients. Hot topic issues included opioids, maintenance of certification, episodes of care, midlevel scope of practice, indoor tanning prohibition for minors, balance billing and tort reform.

The state's largest and most influential professional organization for doctors passed three priority bills and amended or defeated numerous proposals that would have harmed the practice of medicine or interfered with the sacred doctor-patient relationship.



2018 RESULTS



REVIEWED 1,290 BILLS



TRACKED 447 BILLS



AMENDED 50+ BILLS



PASSED 3 BILLS



Fighting Tennessee's Opioid Epidemic

While TMA did not proactively support any opioid-related bills, it was no surprise that the state's number one public health crisis became the legislature's number one debate.

From the moment Governor Haslam announced his "TN Together" plan in January 2018, TMA was actively involved in communicating doctors' concerns to lawmakers to ensure that any related laws did not interfere with physicians' appropriate medical discretion or obstruct patients in legitimate pain from getting the care they need.

TMA was able to negotiate important amendments to improve the governor's proposal but the new laws, effective July 1, 2018, represent the most comprehensive and restrictive opioid laws of any state. TMA developed proprietary information to help educate members on the new 2018 prescribing restrictions, along with a number of other opioid-related resources, at tnmed.org/opioids.

| OPIOID BILLS | TMA POSITION | OUTCOME |
|--|---|--|
| <p>TN Together SB2257 / HB 1831 sponsored by Sen. Mark Norris (R-Collierville) and Rep. David B. Hawk (R-Greenville)</p> <p>Makes various changes to the requirements for prescribing, dispensing and reporting of opioids.</p> |  NEUTRAL AS AMENDED | Signed into law by Governor on May 21 |
| <p>Partial Fill of Opioid Prescriptions SB2025 / HB2440 sponsored by Sen. Ferrell Haile (R-Gallatin) and Rep. Bryan Terry, MD (R-Murfreesboro)</p> <p>Authorizes a partial fill of a prescription of a controlled substance.</p> |  SUPPORT | Signed into law by Governor on May 21 |
| <p>Controlled Substance Monitoring Database SB1526 / HB1620 sponsored by Sen. Mike Bell (R-Riceville) and Rep. Jeremy Faison (R-Cosby)</p> <p>Extends the controlled substance database advisory committee for five years to June 30, 2023.</p> |  SUPPORT | Signed into law by Governor on February 22 |
| <p>Electronic Prescriptions for Controlled Substances SB2191 / HB1993 sponsored by Sen. John Lundberg (R-Bristol) and Rep. Ron Gant (R-Rossville)</p> <p>Requires healthcare prescribers to issue prescriptions for Schedule II controlled substances electronically by July 1, 2020, with certain exceptions.</p> |  SUPPORT | Signed into law by Governor on May 3 |
| <p>Increased Penalty for Fentanyl Drug Offenses SB1661 / HB1547 sponsored by Sen. Steve Dickerson, MD (R-Nashville) and Rep. Bryan Terry, MD (R-Nashville)</p> <p>Would have increased the penalty for certain distribution or transfer criminal offenses involving fentanyl.</p> |  SUPPORT | Taken off notice |
| <p>Opioid Abuse Hotline SB2022 / HB2004 sponsored by Sen. Ferrell Haile (R-Gallatin) and Rep. Bryan Terry, MD (R-Murfreesboro)</p> <p>Requires Department of Health to establish, maintain and publicize a toll-free telephonic and web-based hotline for receiving allegations of opioid abuse or diversion.</p> |  SUPPORT | Signed into law by Governor on February 22 |
| <p>Episodes of Care and Non-Opioid Treatment SB2155 / HB2001 sponsored by Sen. Mike Bell (R-Riceville) and Rep. Bryan Terry, MD (R-Murfreesboro)</p> <p>Providers are not penalized for using a more expensive treatment if non-opioid treatment can be used.</p> |  SUPPORT | Signed into law by Governor on April 26 |
| <p>No Prescription Needed For Naloxone HJR600 sponsored by Rep. Bill Dunn (R-Knoxville)</p> <p>Urges the United States Food and Drug Administration to consider making Naloxone an over-the-counter medication.</p> |  SUPPORT | Signed into law by Governor on March 22 |

Episodes of Care

Three bills were passed in 2018 related to TennCare's episodes of care payment model as TMA redoubled its advocacy efforts to educate lawmakers on physicians' concerns about fundamental flaws in the program design and implementation. Discussions with key officials in the TennCare Bureau and legislative committees led to the state announcing after the session that it would pause any new episodes so it can fix the issues. tnmed.org/episodes

Scope of Practice

TMA in 2016 negotiated a three-year moratorium with the Tennessee Nurses Association on any scope of practice legislation, so there were no bills in 2018 related to APRN independent practice. There was a contentious debate in the legislature, however, surrounding a proposal for a new scope of licensure for physician assistants.

Lincoln Memorial University sought legislation that would allow graduates of LMU's Doctor of Medical Science degree program to practice in primary care as "doctors of medical science." TMA was opposed to the bill in 2017 and 2018 and changed its position to neutral only after the proponents addressed all of physicians' concerns, including changing the licensure name from "doctor of medical science" to "Essential Access Practitioner." EAPs would have also been regulated by the Board of Medical Examiners in a physician-led, team-based care healthcare delivery model.

The bill was withdrawn late in the session and LMU has said it does not intend to revisit. Read more about what happened with this bill in the Q2 issue of Tennessee Medicine magazine, or watch a brief video highlighting myths vs. facts about what the bill did and where TMA stood. tnmed.org/dms

Maintenance of Certification

Thanks to TMA, Tennessee now has one of the most physician-friendly MOC laws in the U.S. In 2017, TMA responded to members' requests to ease the burdensome and costly MOC requirements by passing a law prohibiting MOC as a condition of medical licensure in Tennessee. Laws passed in 2018 prohibit health insurance companies from requiring

MOC as a condition for network participation and allows individual hospital medical staffs to determine whether MOC is a requirement for hospital privileges. Special thanks to TMA member Sen. Richard Briggs, MD and Rep. Ryan Williams for their leadership on this issue.

TMA expects the state's new MOC laws, coupled with a favorable medical liability climate and other qualities that help Tennessee rank among the best states in which to practice medicine, will improve the state's efforts to recruit and retain the best physicians.

Balance Billing

Legislators continue to look for ways to address their constituents' complaints about "surprise medical bills," including considering proposals to ban the practice altogether or lift the ban on corporate practice of medicine.

TMA defeated numerous proposals again in 2018 that would have eliminated hospital-based physicians' ability to balance bill patients for services provided out of a health plan network. TMA continues advocating for a reasonable solution for all stakeholders, especially physicians and patients, and opposes any effort that gives health insurance companies even more undue leverage to force providers to accept unfair contractual terms.

Protecting Minors from Avoidable Cancer

TMA led a coalition of healthcare organizations that helped reduce the risk of children contracting melanoma and other forms of cancer by persuading lawmakers to prohibit anyone in Tennessee younger than 16 from using indoor tanning devices. The new law requires parental consent for 16 and 17-year-olds to use tanning beds.

Read more about the 2018 legislative session at
TNMED.ORG/LEGISLATIVE



Grassroots Activism

TMA's legislative success depends on active participation from member physicians. Lawmakers listen to their constituents and are especially receptive to doctors who volunteer time to share their expertise and educate legislators on important healthcare issues.





- TMA member physicians were visible each week throughout the session volunteering as Doctor of the Day, where they had one-on-one interaction with legislators while serving the medical needs of lawmakers and staff. tnmed.org/doctoroftheday
- Despite a new venue and event format, more than 300 physicians and healthcare advocates came to the Cordell Hull Building in March for TMA's Day on the Hill. This annual event shows the power of numbers, as a mass of white coats clogs the halls of the legislature. tnmed.org/dayonthehill
- On rare and important occasions, TMA issued calls to action to mobilize scores of member physician advocates to contact their legislators and ask them to support or oppose specific legislation.
- TMA's political action committee, IMPACT, takes donations year-round to help elect and retain pro-medicine candidates in the state legislature. During the 2017 election, IMPACT contributed \$132,000 to friends of medicine. One-third of the seats in the legislature will turn over in 2019, and IMPACT needs even more support to build and maintain new relationships. tnmed.org/impact

Where do the gubernatorial candidates stand on healthcare issues?






TMA interviewed five gubernatorial candidates at the TMA office in Nashville about their healthcare platforms.






Watch the videos at tnmed.org/impact or on TMA's YouTube channel.





TMA Bills

| BILL | TMA POSITION | OUTCOME |
|--|---|---|
| <p>PROHIBITION ON MINORS' USE OF INDOOR TANNING FACILITIES SB1495 / HB1489 sponsored by Senator Ferrell Haile (R - Gallatin) and Rep. Patsy Hazelwood (R - Signal Mountain)</p> <p>Reduces the risk of children getting skin cancer from the use of indoor UV radiating tanning devices by establishing a minimum age of 16 to use the devices in a tanning facility and requires parental consent for tanners ages 16-17.</p> |  | <p>Signed into law by governor on April 4.</p> |
| <p>PROHIBITION OF MANDATORY MAINTENANCE OF CERTIFICATION (MOC) SB1824 / HB1927 sponsored by Sen. Richard Briggs (R- Knoxville) and Rep. Ryan Williams (R- Cookeville)</p> <p>Prohibits health insurance companies from requiring MOC as a condition for network participation and allows individual hospital medical staffs to determine whether MOC is a requirement for hospital privileges.</p> |  | <p>Signed into law by governor on April 9.</p> |
| <p>HALTING EPISODES OF CARE SB2639 / HB1729 sponsored by Senator Bo Watson (R-Hixson) and Rep. Cameron Sexton (R-Crossville)</p> <p>Prohibits the bureau and HCFA from imposing a fine or penalty on any provider when developing or implementing any payment reform initiative involving the use of episodes of care; revises other provisions regarding payments to healthcare providers.</p> |  | <p>Signed into law by Governor on April 19.</p> |
| <p>NETWORK ADEQUACY AND OUT-OF-NETWORK BALANCE BILLING TRANSPARENCY ACT SB2640 / HB2353 sponsored by Senator Bo Watson (R- Hixson) and Rep. Timothy Hill (R- Blountville)</p> <p>Would have freed patients from the burden of “surprise billing” for out-of-network treatment by setting reasonable standards for health insurance plan provider networks.</p> |  | <p>Taken off notice.</p> |

Other Legislation

| BILL | TMA POSITION | OUTCOME |
|--|---|------------------------------------|
| <p>MEDICAL CANNABIS ACT SB1710 / HB1749 sponsored by Sen. Steve Dickerson, MD (R-Nashville) and Rep. Jeremy Faison (R-Cosby)</p> <p>Would have established a medical cannabis commission for regulation of cannabis-related healthcare.</p> |  | <p>Taken off notice</p> |
| <p>ART THERAPY LICENSE SB2127 / HB2150 sponsored by Sen. Ed Jackson (R-Jackson) and Rep. Joe Pitts (D-Clarksville)</p> <p>Would have allowed art therapists to treat and diagnose mental illness patients.</p> |  | <p>Held on desk</p> |
| <p>LIMITING FLUORIDE IN TAP WATER SB985 / HB0675 sponsored by Sen. Dolores R. Gresham (R-Somerville) and Rep. Susan Lynn (R-Mount Juliet)</p> <p>Would have limited the amount of fluoride in public drinking water.</p> |  | <p>Died in committee</p> |
| <p>ADDITIONAL VACCINE REQUIREMENTS SB2482 / HB2488 sponsored by Sen. Frank Niceley (R-Strawberry Plains) and Rep. Andy Holt (R-Dresden)</p> <p>Would have added more barriers for doctors to vaccinate patients.</p> |  | <p>Taken off notice</p> |
| <p>PROTON THERAPY SB367 / HB523 sponsored by Sen. Mark Green (R-Clarksville) and Rep. Bob Ramsey (R-Maryville)</p> <p>Would have required insurance companies to cover proton therapy the same way they cover radiation therapy.</p> |  | <p>Vetoed by Governor on May 3</p> |

| BILL | TMA POSITION | OUTCOME |
|--|---|---|
| <p>HEALTHCARE BILLING COLLECTIONS ACT OF 2018 SB2348 / HB2259 sponsored by Sen. Art Swann (R-Maryville) and Rep. Michael Curcio (R-Dickson)</p> <p>Would have prohibited doctors from balance billing.</p> |  | <p>Taken off notice</p> |
| <p>MIDLEVEL SCOPE OF PRACTICE SB1926 / HB 2122 sponsored by Sen. Richard Briggs, MD (R-Knoxville) and Rep. Cameron Sexton (R-Crossville)</p> <p>Would have created a new license for some PAs to be called “Essential Access Practitioners” by license and in a clinical setting. Would have required PAs to practice with collaborating physician in a team-based delivery model.</p> |  | <p>Sponsors pulled bills from committees after LMU withdrew support</p> |
| <p>MENTAL HEALTH CENTERS SB1718 / HB1795 sponsored by Sen. John Stevens (R-Huntingdon) and Rep. Andrew Farmer (R-Sevierville)</p> <p>Adds community mental health centers to definition of healthcare organization in order to add them to quality improvement committees.</p> |  | <p>Signed into law by Governor on March 23</p> |
| <p>REQUIRED CHILD ABUSE CME FOR PHYSICIANS SB2404 / HB2605 sponsored by Sen. Sara Kyle (D-Memphis) and Rep. G.A. Hardaway (D-Memphis)</p> <p>Would have required doctors to obtain additional CME requirements specifically about child abuse, regardless of specialty.</p> |  | <p>Taken off notice</p> |
| <p>MOTORCYCLE HELMET LAW REPEAL SB854 / HB 1401 Sponsored by Sen. Kerry Roberts (R-Springfield) and Rep. Jay Reedy (R-Erin)</p> <p>Would have repealed the law requiring motorcyclists to wear helmets.</p> |  | <p>Died in Committee</p> |

| BILL | TMA POSITION | OUTCOME |
|---|--|--|
| <p>INSURANCE TRANSPARENCY SB1869 / HB1935 sponsored by Sen. Jon Lundberg (R-Bristol) and Rep. Jason Zachary (R-Knoxville)</p> <p>Establishes certain requirements in regard to healthcare facilities collecting out-of-network charges.</p> |  AS AMENDED | <p>Signed into law by Governor on April 26</p> |
| <p>CONSUMER PROTECTION DURING NATURAL DISASTERS SB2514 / HB1879 sponsored by Sen. Bill Ketron (R-Murfreesboro) and Rep. Ron Travis (R-Dayton)</p> <p>Description prohibits healthcare prescribers from certain types of solicitation within 30 days of an accident or disaster.</p> |  | <p>Taken off notice</p> |
| <p>NONRESIDENTIAL OFFICE-BASED OPIATE TREATMENT FACILITIES SB777 / HB717 sponsored by Sen. Ed Jackson (R-Jackson) and Rep. Curtis Johnson (R-Clarksville)</p> <p>Makes various changes and additions to law concerning opioids.</p> |  AS AMENDED | <p>Signed into law by Governor on May 21</p> |
| <p>SECURITY BREACH SB2536 / HB2508 sponsored by Sen. Bill Ketron (R-Murfreesboro) and Rep. Courtney Rogers (R-Goodlettsville)</p> <p>Revises various provisions relating to the duty to notify consumers when there is a breach of system security that contains the consumers' personal identifying information, making physicians liable.</p> |  | <p>Deferred to summer study</p> |