

# **2016 LEGISLATIVE REPORT CARD**



# THE FIGHT FOR BETTER HEALTHCARE

The Tennessee Medical Association began the second year of the 109th session of the Tennessee General Assembly with a list of five priority legislative issues – preserving the right of physicians to dispense controlled substances in office, adding an enforcement mechanism for an existing Workers' Comp Silent PPO law, passing meaningful health plan contracting reform (The Healthcare Provider Stability Act), paving the way for team-based healthcare through the Tennessee Healthcare Improvement Act, and offering a proposed Constitutional amendment to protect caps on noneconomic damages in healthcare liability cases.

While promoting these and many other physician-friendly bills, TMA also fought against a number of bills that would have been detrimental to the practice of medicine in Tennessee and the health of Tennesseans, including bills to allow advanced practice nurses to practice without physician collaboration, a virtual elimination of balance billing for certain physician specialties and the repeal of the state's motorcycle helmet requirement.

TMA member physicians actively participated in advocacy efforts throughout the session, from Doctor of the Day to the annual Day on the Hill, and carried an influential voice with our state lawmakers.





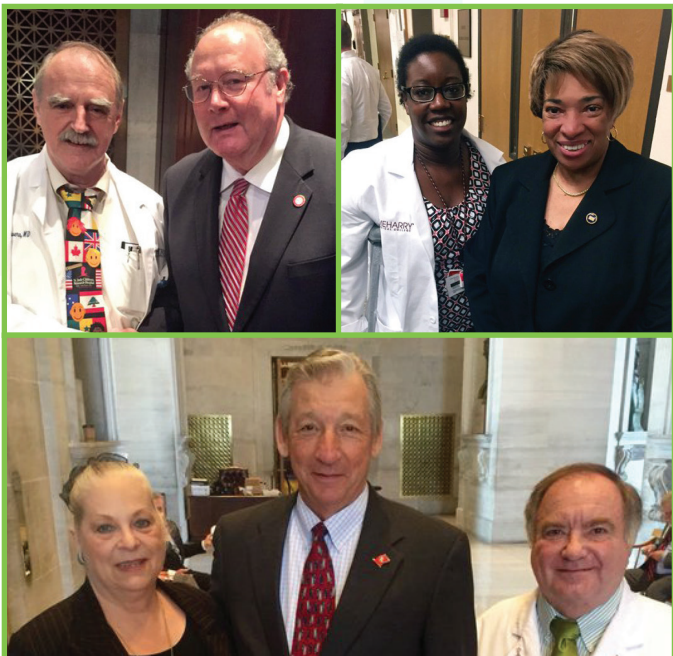
# LEGISLATIVE DOCTOR OF THE DAY

More than 15 TMA members served as Legislative Doctor of the Day or Resident Doctor of the Day during the 2016 legislative session.

Members who volunteer as Doctor of the Day spend a day in Nashville observing the legislature at work and interacting directly with lawmakers. They are also on hand to see to any minor medical needs of legislators or staff members.

The program gives TMA members an opportunity to take part in the political process while giving something back to the public servants who support physicians' issues.

Learn more at [tnmed.org/doctoroftheday](http://tnmed.org/doctoroftheday).





# DAY ON THE HILL

More than 300 attendees rallied at Legislative Plaza for TMA's Day on the Hill on Tuesday, March 1.

TMA's biggest advocacy event of the year brings physicians and healthcare advocates together from across Tennessee to fight for better healthcare policies at the state Capitol.

Participants meet with lawmakers to discuss how legislation being considered in the General Assembly would impact doctors, patients, and medical practices in Tennessee. TMA works to make sure physicians from as many legislative districts as possible take part in the event so that doctors can speak directly to the lawmakers who represent them.

To learn more, or to sign up to attend Day on the Hill 2017, go to [tnmed.org/dayonthehill](http://tnmed.org/dayonthehill). The event is free.



# ADVOCACY BEYOND CAPITOL HILL

Effective healthcare advocacy doesn't end with the legislative session; physicians must stay involved in the political process throughout the year, maintaining a visible, active presence in Nashville and all parts of the state.

## DIALOGUES IN THE DISTRICT

TMA's Dialogues in the District program facilitates meetings between lawmakers and member physicians in their districts during the summer and fall months when the General Assembly is not in session. Meeting face to face without the distraction of looming votes and busy legislative schedules allows doctors to develop more productive, meaningful relationships with legislators.

## IMPACT

Money is a critical part of the political process. Donating to IMPACT, the non-partisan, independent political action committee of the TMA, helps to elect pro-medicine candidates to political office and keep friends of medicine in office.





Learn more & donate at [tnmed.org/IMPACT](http://tnmed.org/IMPACT).

## SUMMER STUDY GROUPS


Legislation passed in 2016 created several critically important task forces to submit recommendations for possible legislation in 2017 affecting medicine. Legislative work groups will address issues such as advanced practice registered nurse scope of practice, balance billing and taking medical malpractice cases out of the civil court system and putting them in a quasi-workers' comp system that would increase reports to the National Practitioner Databank. TMA member physicians and advocacy staff will participate and monitor these groups. Staff will also participate in meetings hosted by the State Department of Commerce & Insurance to consider model legislation to address health plan network adequacy.






# TMA BILLS

BILL	TMA POSITION	OUTCOME
<p><b>IN-OFFICE DISPENSING</b>            SB 2060/HB 2126 sponsored by Sen. Richard Briggs (R-Knoxville) and Rep. Bryan Terry (R-Murfreesboro)</p> <p>Cleans up language in existing in-office dispensing laws to allow physician practices that have in-office dispensaries to continue to dispense controlled substances.</p>	 Support	<p>Passed in the State House of Representatives with a vote of 89-0 and the Senate with a vote of 31-0. Gov. Bill Haslam signed the bill into law on April 27.</p>
<p><b>SILENT PPOS</b>            SB 1758/HB 1720 sponsored by Sen. Mark Green (R-Clarksville) and Rep. Mark White (R-Memphis)</p> <p>Establishes an enforcement mechanism for existing regulations of workers' compensation silent PPOs.</p>	 Support	<p>Passed in the House 90-0 and 32-0 in the Senate. Gov. Haslam signed the bill into law on April 21.</p>
<p><b>HEALTHCARE PROVIDER STABILITY ACT</b>            SB 937/HB 936 sponsored by Sen. Bo Watson (R-Hixson) and Rep. Jon Lundberg (R-Bristol)</p> <p>As filed, the legislation would have limited how often insurance companies can change fee schedules and payment policies/methodologies and required more transparency when such changes are made.</p>	 Support	<p>This first-of-its-kind legislation came as close as it has ever come to passage in the 2016 session of the General Assembly. The House and Senate passed different versions of the bill, but the House failed to approve a conference committee report that would reconcile the differences by just five votes. It was the last bill to be considered on the last day of the session. A number of representatives were not present. Senate sponsor Bo Watson has vowed to come back with the legislation in 2017.</p>
<p><b>TENNESSEE HEALTHCARE IMPROVEMENT ACT</b>            SB 521/HB 861 sponsored by Sen. Joey Hensley (R-Hohenwald) and Rep. Cameron Sexton (R-Crossville)</p> <p>The act would have implemented a team-based care model with doctors as team leaders in patient care coordination. It would have changed the relationship between physicians and advanced practice nurses from supervisory to collaborative.</p>	 Support	<p>The legislation was taken off notice after both the Senate and the House decided to create a task force to look at the issue, rather than choose between this bill and a bill that would do away with physician supervision of advanced practice nurses.</p>

# TMA BILLS





BILL	TMA POSITION	OUTCOME
<p><b>TORT REFORM</b></p> <p>Tennessee state law already places caps on noneconomic damages in actions including medical liability judgments, but the caps have been and are still being challenged in the Tennessee Supreme Court.</p> <p>A joint resolution to propose an amendment to the Tennessee Constitution would have clarified that the General Assembly has the constitutional authority to set caps on noneconomic damages in civil cases. The resolution, if passed in two consecutive General Assemblies, would have allowed the people of Tennessee to vote on the issue.</p>	 <p>Support</p>	<p>A coalition of supporters chose not to pursue the legislation because the administration said it would oppose the measure and defer to the Tennessee Supreme Court to uphold existing tort reform laws.</p>

## OTHER BILLS

BILL	TMA POSITION	OUTCOME
<p><b>NURSE INDEPENDENT PRACTICE</b></p> <p>SB 680/HB 456 sponsored by Sen. Becky Duncan Massey (R-Knoxville) and Rep. JoAnne Favors (D-Chattanooga)</p> <p>Would have allowed advance practice nurses to practice without a formal physician relationship.</p>	 <p>Oppose</p>	<p>The legislation was taken off notice after both the Senate and the House decided to create a task force to look at the issue.</p>
<p><b>NURSE TASK FORCE</b></p> <p>SB 1979/HB 2088 sponsored by Sen. Becky Duncan Massey (R-Knoxville) and Rep. Jeremy Faison (R-Cosby)</p> <p>Creates a summer study task force with equal representation from physicians and advanced practice nurses to study access to healthcare and scope of practice issues.</p>	 <p>Neutral</p>	<p>TMA fought for, and achieved, equal representation for physicians and advanced practice nurses on the task force. The amended bill was approved 87-0 in the House and 31-0 in the Senate. It was signed into law by the governor on April 28.</p>
<p><b>PATIENTS FOR FAIR COMPENSATION</b></p> <p>SB 507/HB 546 sponsored by Sen. Jack Johnson (R-Franklin) and Rep. Glen Casada (R-Franklin)</p> <p>Would have overhauled Tennessee's medical malpractice liability system by taking malpractice lawsuits against physicians out of the civil court system and placing them into a state-run administrative patient compensation system.</p>	 <p>Oppose</p>	<p>Sent to summer study by the House Insurance &amp; Banking Subcommittee.</p>







# OTHER BILLS




BILL	TMA POSITION	OUTCOME
<p><b>BALANCE BILLING</b>            SB 2107/HB 1922 sponsored by Sen. John Stevens (R-Huntingdon) and Rep. Ron Travis (R-Dayton)</p> <p>Creates a formal summer study task force of both the House and Senate to explore balance billing.</p>	 Neutral As Amended	<p>The bill as amended passed by a vote of 92-0 in the House and 31-0 in the Senate. TMA fought against the original version of this bill, which would have required healthcare providers who are not contracted with a patient's insurance provider and who provide service in an in-network facility to submit an estimate of anticipated charges to the patient for non-emergency services. Due to advocacy by TMA and its provider allies, the bill was amended to create a task force to study the issue.</p>
<p><b>FETAL ASSAULT LAW EXTENSION</b>            SB 1629/ HB 1660 sponsored by Sen. Reginald Tate (D-Memphis) and Rep. Terri Lynn Weaver, R-Lancaster</p> <p>The bill would have made Tennessee's 2014 fetal assault law, which allowed women to be prosecuted for fetal assault if they use illegal narcotics while pregnant, permanent law.</p>	 Oppose	<p>The bill failed in the House Criminal Justice Subcommittee, meaning the fetal assault law is repealed as of July 1, 2016.</p>
<p><b>PRESCRIPTION SAFETY ACT</b>            SB 2552/HB 2571 sponsored by Sen. Mark Norris (R-Collierville) and Rep. Gerald McCormick (R-Chattanooga)</p> <p>Renews and revises the Prescription Safety Act of 2012. The law updates current practice and requires physicians to check the controlled substance monitoring database before writing controlled substance prescriptions in most instances.</p>	 Neutral As Amended	<p>The bill passed in the House with a vote of 92-0 and in the Senate with a vote of 31-0. It was signed into law by the governor on April 27.</p>
<p><b>CMV</b>            SB 2097/HB 2397 sponsored by Sen. Bill Ketron (R-Murfreesboro) and Rep. Mary Littleton (R-Dickson)</p> <p>The bill as filed would have required CMV screening by physicians who provided prenatal care. TMA succeeded in getting the bill reduced to just the provision of information to at-risk patients.</p>	 Neutral As Amended	<p>The bill passed 33-0 in the Senate and 91-0 in the House. It was signed into law by the governor on March 22.</p>



# OTHER BILLS

BILL	TMA POSITION	OUTCOME
<p><b>RIGHT TO EARN A LIVING</b>            SB 2469/HB 2201 sponsored by Sen. Mark Green (R-Clarksville) and Rep. Martin Daniel (R-Knoxville)</p> <p>Requires government operations committees to do rule review from all departments, councils, etc. to find potential barriers to entry for workers. Health-related boards and healthcare facilities are exempted.</p>	 <p><b>Neutral</b> As Amended</p>	<p>TMA fought to get health-related boards and healthcare facilities exempted from the legislation because it could have led to the removal of rules governing the scope of practice of allied health professionals. The amended bill passed 32-0 in the Senate and 78-14-1 in the House. It was signed into law by the governor on April 28.</p>
<p><b>TECHNICAL ADVISORY GROUPS</b>            SB 1722/HB 1977 sponsored by Sen. Rusty Crowe (R-Johnson City) and Rep. Bob Ramsey (R-Maryville)</p> <p>Ensures that Technical Advisory Group recommendations are reported to the General Assembly, along with information about whether those recommendations were accepted by the Bureau of TennCare as it develops episodes of care in the Tennessee Health Care Innovation Initiative.</p>	 <p><b>Support</b></p>	<p>The bill passed in the Senate 33-0 and in the House 89-0. It was signed into law by the governor on May 20.</p>
<p><b>PAIN CLINICS</b>            SB 1466/ HB 1731 sponsored by Sen. Randy McNally (R-Oak Ridge) and Rep. Cameron Sexton (R-Crossville)</p> <p>Requires pain clinics to be licensed before they can operate. Gives the Department of Health authority to inspect medical practices to identify pain clinics that have avoided the licensure process. The department must have reason to suspect that the practice may be operating a pain clinic based on rules to be determined. TMA worked tirelessly to gain amendatory language to improve due process for physicians and reduce costs for pain management physicians so that TMA could be neutral on the bill.</p>	 <p><b>Neutral</b> As Amended</p>	<p>The bill passed 95-0 in the House and 31-0 in the Senate. It was signed into law by the governor on April 28.</p>
<p><b>CERTIFICATE OF NEED</b>            SB 1842/ HB 1730 sponsored by Sen. Todd Gardenhire (R-Chattanooga) and Rep. Cameron Sexton (R-Crossville)</p> <p>Updates certificate of need requirements, including removing the need for a CON for MRI machines in counties with a population of 250,000 or more. The content of the bill led to some physicians supporting the bill and others opposing it, assuring TMA's neutrality.</p>	 <p><b>Neutral</b></p>	<p>The bill passed 90-0 in the House and 31-0 in the Senate. It was signed into law by the governor on April 28.</p>

# OTHER BILLS

BILL	TMA POSITION	OUTCOME
<p><b>MED SPAS</b>            SB 1815/HB 1909 sponsored by Sen. Joey Hensley (R-Hohenwald) and Rep. Bryan Terry (R-Murfreesboro)</p> <p>Clarifies that the only physician practices that must register as a med spa are those that advertise as med spas or are primarily engaged in cosmetic medical procedures. Hundreds of physicians who were caught in the registration process from the previous year's legislation were relieved of registration and fee requirements because of TMA's efforts.</p>	 <b>Support</b>	<p>The bill passed the House 91-0 and in the Senate 30-0. It was signed into law by the governor on April 27.</p>
<p><b>OVER THE COUNTER CONTRACEPTIVES</b>            SB 1677/HB 1823 sponsored by Sen. Steve Dickerson (R-Nashville) and Rep. Patsy Hazlewood (R-Signal Mountain)</p> <p>Allows a pharmacist to dispense self-administered contraceptives as long as it is written into a collaborative practice agreement with a physician.</p>	 <b>Neutral As Amended</b>	<p>TMA and the Tennessee Pharmacists Association worked together on an amendment to create a bill that would be acceptable to both parties. It passed the House 84-4-3 and in the Senate 23-8. It was signed into law by the governor on April 27.</p>
<p><b>MOTORCYCLE HELMET REPEAL</b>            SB 925/HB 700 sponsored by Sen. Kerry Roberts (R-Springfield) and Rep. Jay D. Reedy (R-Erin)</p> <p>The bill would have exempted drivers and passengers older than 21 from the requirement to wear a helmet while operating or riding a motorcycle.</p>	 <b>Oppose</b>	<p>The bill failed in the Senate Finance, Ways &amp; Means Committee and was taken off notice in the House Finance, Ways &amp; Means Committee.</p>

# GET INVOLVED

## VOLUNTEER

Learn about ways you can help promote TMA's legislative goals at **[tnmed.org/grassroots](https://tnmed.org/grassroots)**. You can also contact Grassroots Manager Rebecca Lofty at **[rebecca.lofty@tnmed.org](mailto:rebecca.lofty@tnmed.org)** for more information about any of TMA's grassroots programs. Contact Rebecca if you know a legislator.

## STAY INFORMED

Follow TMA on Twitter **[@tnmed](https://twitter.com/tnmed)** and **[@tnmedonthehill](https://twitter.com/tnmedonthehill)** for updates during the legislative session and subscribe to Political Pulse, TMA's weekly legislative email update during the session, by email at **[katie.brandenburg@tnmed.org](mailto:katie.brandenburg@tnmed.org)**.

When the legislature is not in session, TMA's legal and advocacy experts visit groups across the state to report on the actions of the General Assembly during the most recent session, analyze new healthcare laws, review new compliance and legal requirements and preview TMA's priorities for the next session. Contact **Katie Hitt** at **[katie.hitt@tnmed.org](mailto:katie.hitt@tnmed.org)** to request a presentation. Minimum group sizes apply.

