

What TMA Has Done For You Lately

We are your voice on Capitol Hill, your regulatory watchdog, your intermediary with health insurance companies, and your source for legal guidance and interpretation.

TMA advocates for Tennessee physicians every day so you can take care of your patients. And while it's true that a lot goes on behind the scenes, you mostly want to know we have things under control. Here are some of our significant wins on your behalf.

1. Elimination of Professional Privilege Tax

In 2022, the Tennessee General Assembly announced osteopathic and allopathic physicians would be exempted from the annual \$400 tax, taking effect in FY 22-23. The repeal was a perennial priority for TMA's legislative committee and advocacy team.

2. Scope of Practice

TMA has repeatedly defeated attempts by advance practice registered nurses and physician assistants to change state laws to allow for unsupervised practice. Because of our influence, these mid-level providers have not succeeded in eliminating the team-based health care model in Tennessee. TMA will continue to collaborate with its multi-specialty partners through the Coalition of Collaborative Care (CCC) to identify and develop policy solutions that increase healthcare access without compromising patient safety.

3. Maintenance of Certification

TMA persuaded the Tennessee General Assembly to pass the nation's most physician-friendly MOC laws which prohibit MOC as a sole condition of state medical licensure, hospital credentialing and/or admitting privileges or health plan network participation.

4. Prior Authorization Reform

Since 2020, TMA led a work group among health plans to alleviate some of the administrative burdens associated with utilization review protocols. Despite a three-year effort to streamline and automate these internal processes, physician practices saw little relief. In 2023, TMA introduced comprehensive legislation aimed at reforming the prior authorization process to

improve the clinical criteria by which approvals or denials are determined; expedite the process for urgent and non-urgent PA requests; and support sufficient continuity of care for patients during transitional periods of formulary or treatment coverage. The law is set to take effect on January 1, 2025.

5. Telehealth Payment Parity and Audio-Only

During the COVID-19 pandemic TMA led an effort to ensure telehealth services were reimbursed at the same rate as in-office visits. The bill passed but was set to sunset in April 2022. TMA successfully advocated for the removal of the sunset date to enable physicians to continue leveraging the benefits of telehealth in addition to expanding its application to allow for audio-only reimbursement.

6. Graduate Medical Education Funding

In FY 22-23, the Tennessee General Assembly allocated \$10 million toward graduate medical education to address the state's residency shortage and support medical students working in rural and underserved areas. Under the new framework set forth by the Centers for Medicare and Medicaid Services (CMS) which ties GME to Medicaid reimbursement, state funding was reorganized under the TennCare program in order to receive a two to one funding match from the federal government. Thus, the \$10 million allocation will incur \$30 million total through federal match dollars.

7. Trigger Law Correction

With the reversal of *Roe v. Wade* in June 2022, Tennessee physicians found themselves at risk for criminal prosecution for actions taken to prevent death or substantial health impairment to pregnant women through the state's abortion trigger law. TMA successfully removed the affirmative defense to clarify that doctors may terminate a pregnancy to save the life and health of the mother.



8. Balance Billing and Network Adequacy

For years, TMA has participated in a coalition of hospital-based physician specialty organizations advocating for a state-based balance billing solution that protects patients from narrow networks and ensures physicians are offered a fair, in-network rate for out-of-network services. In 2020, Congress passed the No Surprises Act (NSA) to protect patients from balance and surprise bills. Unfortunately, rules implementing the federal law resulted in fewer in-network healthcare options and more out-of-pocket expenses for Tennessee patients. In 2023, TMA worked to enact network adequacy standards to protect physicians who were forced out of insurance networks for not accepting drastic rate reductions.

9. Step Therapy Reform

TMA joined a coalition of more than 20 provider groups to reform step therapy protocols for prescription drugs. The law, passed in 2022, establishes clear exemption and appeal criteria to limit health insurers from interfering with physicians' clinical assessments and reduce unnecessary hurdles for patients. TMA's amendment clarified that only one, not all, requirements be met in order to obtain an exemption from step therapy.

10. Remote Site Visits

As part of ongoing efforts to improve the professional working relationship between physicians and mid-level providers, TMA worked with lawmakers to allow for 10 of the required 12 annual site visits by collaborating physicians to be by HIPAA-compliant electronic means instead of in-person, thereby greatly reducing travel commitments to enhance efficiency and lower costs.

11. Pharmacy Benefit Manager Reform

TMA supported and actively lobbied for legislation in 2021 that reformed five problematic practices of Pharmacy Benefit Managers (PBM), including 340B discrimination, specialty pharmacy discrimination, patient steering, spread pricing, and rebate retention. The bill brought needed transparency to the pharmaceutical supply chain industry to prevent PBMs and health plans from artificially inflating the cost of prescription drugs and undermining coordination of care for patients.

12. Opioid Epidemic

TMA has been at the forefront of combatting Tennessee's opioid abuse epidemic by refining prescriber education and deploying harm reduction strategies to prevent opioid use disorder. We negotiated improvements to former Governor Bill Haslam's TN Together bills in 2018 and 2019 and developed proprietary resources to educate members on strict new state laws limiting how much doctors can prescribe.

13. Provider Stability Act

TMA worked for four years to give physicians and other healthcare providers more predictability and stability in their contracts with payers. The Healthcare Provider Stability Act was signed into law by former Governor Bill Haslam in 2017 after four years of effort by TMA to hold insurance companies accountable to the network contracts they sign and limit arbitrary, one-sided rate reductions. The law took effect in 2019 and was the first of its kind in the U.S.

14. Tort Reform

TMA led the charge for tort reform laws in 2008 and 2011 that created Tennessee's current favorable medical liability climate which save doctors an average of \$8,650 per physician per year compared to pre-2008 liability insurance premiums. We continue to successfully fend off efforts to eliminate those gains in court and in the Tennessee General Assembly each year.

15. TennCare Episodes of Care

For nearly a decade, TMA has worked to improve the TennCare episodes of care program design and implementation. The TennCare Bureau announced in 2020 that, due to the impact of COVID-19 on physicians, no penalties would be issued against 2019 high-cost providers. Due largely to TMA's efforts, the TennCare Bureau has paused all-new episodes of care. We continue to engage state officials as physicians' loudest and strongest advocate on payment reform initiatives.

