

Communicator

■ WINTER 2021

Physicians Caring for Kentucky

Physicians to Advocate for Access to Care, Liability Protections, Public Health in 2021

The COVID-19 pandemic has certainly changed how many things are conducted, and the 2021 Kentucky General Assembly is no exception. While the legislative session may look different this year, the advocacy of the Kentucky Medical Association (KMA) will remain steadfast as the Association continues to work to protect the practice of medicine and the quality of care for patients.

The 2021 Regular Session of the Kentucky General Assembly began Tuesday, January 5. Being an odd-numbered year, the state constitution mandates that lawmakers only meet for thirty legislative days. Legislators must adjourn on or before Tuesday, March 30. Despite the limited timeframe, legislators have a full agenda as they will address several contentious issues, including a one-year budget, scope of executive powers, and criminal justice reform. However, given their importance and timeliness, KMA expects that a number of its 2021 priority issues, which include access to care, liability protections and public health, will be considered.

Access to Care

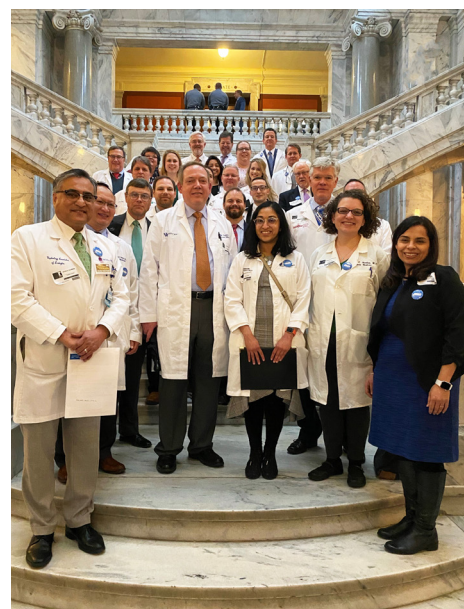
Telehealth: Federal and State government relaxed many restrictive telehealth rules (such as prohibition against audio-only care) and expanded telehealth coverage (such as additional E/M services) in response to COVID-19. KMA, in addition to other stakeholders, will advocate that certain changes become permanent.

Mental Health Parity: Mental health and addiction care should be no more restrictive than insurance coverage for any other medical condition. Insurers often design and apply managed care techniques in more restrictive ways for mental health and addiction treatment. Legislation is necessary to require insurers to demonstrate compliance with federal law in terms of how they design and apply their managed care practices.

Co-pay Accumulator: Insurance companies are refusing to count co-pay assistance program payments toward patients' deductibles and out-of-pocket maximums through a practice known as "co-pay accumulator adjustments." This often results in quite a shock at the pharmacy counter when Kentuckians realize they are being forced to pay thousands of dollars out-of-pocket just to get the care they need when they thought their deductible or out-of-pocket maximum had been met. Legislation is needed that would prohibit payers from enacting co-pay accumulator policies that do not count third-party financial assistance (e.g. co-pay cards) toward a patient's out-of-pocket expenses.

Liability Protections

Coronavirus-related lawsuits are already being filed across the country, and health care providers need protection from such actions. The 2020 Senate Bill 150,



KMA members gather on the steps of the State Capitol during the 2020 KMA Physicians' Day at the Capitol.

which was enacted during the final hours of last session, did not go far enough. That legislation, while well-intended, only provides a defense, not immunity, against claims for providers who in good faith render care or treatment of a COVID-19 patient during the state of emergency. Stronger legislation is needed that grants immunity for health care providers who deliver coronavirus-related care.

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Meet virtually with your legislators, learn about KMA priority issues, and promote legislative and political advocacy.

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President's Message

Meeting and Exceeding the Challenges Ahead

Although it may have felt like 2020 would never end, we have once again come to the beginning of another new year.

While 2021 will certainly shoulder its share of challenges, I remain encouraged by the work of our Association to continue to advocate for the practice of medicine and the health of our patients.

Although the legislative session will look different this year due to the COVID-19 pandemic, our KMA advocacy team has adapted to this "new normal" and is prepared for the challenges before us in pursuit of our collective goals. In place of our usual in-person "Physicians' Day at the Capitol," KMA has developed a month-long virtual advocacy event called "Advocacy in Action Month," which will be held throughout February.

KMA and its members have been working to ensure patients keep their overall health in mind throughout the pandemic and continue to see their physicians for routine care and immunizations.

Advocacy in Action Month gives physicians from across the state the opportunity to meet virtually with their legislators, learn about KMA priority issues, and promote legislative and political advocacy from the comfort and safety of their home communities. We know that our voices are more powerful as one, so I urge you to take a look at the additional information provided in this Communicator issue about Advocacy in Action Month and to make sure you



can take part in as many activities as possible. Be sure to familiarize yourself with KMA's 2021 Legislative Priorities as well, which are outlined in this issue's cover story, as well as at kyma.org/AIAMonth.

One of KMA's top 2021 priorities, as it is every year, is public health. KMA and its members have been working to ensure patients keep their overall health in mind throughout the pandemic and continue to see their physicians for routine care and immunizations. The KMA and KFMC's "Raise Your Guard, KY" campaign, launched in August 2020, encouraged Kentuckians to schedule well-visits and update their vaccinations to maintain optimal health in the midst of a global pandemic. We partnered

with Anthem Blue Cross and Blue Shield in Kentucky and the Foundation for a Healthy Kentucky for this campaign, and I am pleased to report that we reached more than 1.5 million Kentuckians across the state, with a particular emphasis on communities that saw a decrease in childhood vaccinations during the early part of the pandemic.

The Raise Your Guard, KY campaign was so successful we received interest from other stakeholder groups about extending it to emphasize the importance of flu vaccination. "Raise Your Guard, KY: Focus on Flu" welcomed the Kentucky Hospital Association, Aetna Better Health of Kentucky, Humana and WellCare to an expanded effort, which featured advertisements on social media, Spotify and streaming services statewide throughout the month of December about the importance of getting a flu shot.

I knew going into this role that my year as KMA President would look a lot different than most others. The COVID-19 pandemic has changed nearly every aspect of life, and serving as KMA President is no different. I have become well-versed in Zoom calls and phone interviews and have put many fewer miles on my odometer than previous Presidents. However, I am incredibly proud that our Association has never waived in working towards the best interest of our state's physicians and patients. I believe we will all be able to look back on this time in history and remark at just how much we were able to accomplish together, despite the obvious obstacles. And I thank each and every one of you, our valued members, for being part of our continued success.

Dale Toney, M.D.
2021 KMA President

2021 Legislative Preview

(Continued from Page 1)

Public Health

Prior Authorization (PA) for Medication-Assisted Treatment (MAT): PA for MAT services is a complex cost-control mechanism used by health insurers that requires patients to await approval before gaining access to a drug, which can take days or weeks. Such delays put patients at serious risk for relapse, overdose, or even death. KMA will advocate for legislation that would remove prior authorization requirements for FDA-approved medications used to treat opioid use disorder.

Deceptive Advertising: Drug-injury advertisements on television, radio and social media have increased by more than 60 percent since 2008, putting patients' lives at risk across the U.S. Driven by law firms and aggregators, these commercials feature sensationalized claims that go unchecked due to a lack of proper oversight, leading patients who take critically important medications to doubt or discontinue their treatment regimen without consulting their physician. KMA supported this in the 2019 and 2020 sessions and will once again advocate for legislation

that would regulate such drug injury advertisements.

Tobacco Local Control: Every year in Kentucky, smoking directly causes 8,900 deaths and leads to more than \$1.9 billion in health care costs, nearly \$600 million of which comes from the state Medicaid program. Previous efforts to convince the state legislature to pass statewide tobacco-free laws have been unsuccessful. Stakeholders, in response, have begun advocating for local governments to take a greater role in enacting tobacco-free policies. Unfortunately, local control of certain tobacco policies is prohibited by state law. Legislation is needed to give county and city governments control to regulate the use, display, sale, and distribution of tobacco products, including e-cigarettes.

Tobacco Prevention & Cessation Funding: Comprehensive state tobacco prevention and cessation programs that reduce youth and adult tobacco use are highly cost

effective. Such programs require sufficient capacity through adequate funding. Since the General Assembly will be attempting to craft a one-year budget during the 2021 session, KMA will support raising the level of funding for these programs to the 2020 level (\$3.3 million) for fiscal year 2022. The program is currently funded at only \$2 million for fiscal year 2021.

It may never be more important for the voice of physicians to be heard than it will be in 2021. KMA will be there, working on behalf of Kentucky physicians and their patients, to advocate for policies that promote quality, accessible healthcare and advance the practice of medicine.



KMA physicians walking up the steps to the Senate Gallery on KMA's 2020 Physicians' Day at the Capitol to honor the late KMA 2020 President-Elect Robert Couch, M.D.

An advertisement for MAGMUTUAL. The top half features a large, cracked white egg against a blue sky with white clouds. Below this, the text "MAGMUTUAL®" is displayed in white on a black background. Underneath, the phrase "Expanding healthcare liability insurance" is written in a large, white, sans-serif font. At the bottom, the website "magmutual.com" and phone number "800-282-4882" are listed in a smaller white font.

KMA ADVOCACY IN ACTION MONTH: FEBRUARY 2021

KMA physicians are encouraged to engage with their legislators to promote priority issues as the Association hosts a virtual “Advocacy in Action Month” throughout February 2021.

Advocacy in Action Month will replace “Physicians’ Day at the Capitol,” the in-person KMA advocacy event held in Frankfort each year, out of concern for the health and safety of Kentucky’s physicians during the COVID-19 pandemic.

There will be a number of ways members can participate, including a virtual member briefing that will discuss the Association’s legislative priorities for the session on Feb. 1 at 7 p.m. ET. Members will also be encouraged to reach out to their legislators each Tuesday during the month as part of the initiative’s “Talk Tuesdays” events, as well as to contribute to the Kentucky Physicians Political Action Committee (KPPAC) during “KPPACtion Day” on Feb. 18.

More information and registration is available at www.kyma.org/AIAMonth.

RESOURCES AVAILABLE AT:

www.kyma.org/AIAMonth

- Registration for the KMA Virtual Member Briefing/Advocacy in Action Month Kickoff
- Tips for Effective Advocacy
- KMA’s 2021 Legislative Priorities Handout
- Download a Custom KMA Zoom Background (with tutorial)

At the end of February, KMA will recognize members who complete the following actions as “KMA Advocacy Champions”

- Contribute to KPPAC
- Retweet KMA’s advocacy-related Twitter messages on a weekly basis
- Sign up for KMA Text Alerts
- Communicate with a House, Senate, or relevant legislative committee member each week
- Write a Thank You note to a House and/or Senate member
- Complete the Advocacy Response Form each week to let KMA know about your outreach



EVENTS:

Virtual Member Briefing/ Advocacy in Action Month Kickoff

Feb. 1, 7 p.m. ET

Register at www.kyma.org/AIAMonth.

Advocacy in Action Month “Talk Tuesdays”

Each Tuesday in February

Members will be encouraged to reach out to their legislators to discuss KMA priority issues. Resources such as talking points, as well as a custom KMA Zoom background are available at www.kyma.org/AIAMonth.

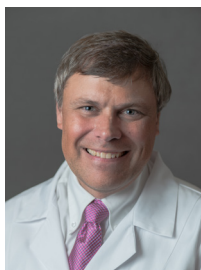
KPPACtion Day Feb. 18

Members will be encouraged to contribute to the Kentucky Physicians Political Action Committee (KPPAC) and promote political advocacy.



MORE THAN LEGISLATIVE ADVOCACY:

Why KMA Physicians Should Consider a Contribution to KPPAC



As we usher in a new year, lawmakers have convened in Frankfort for the 2021 Regular Session of the Kentucky General Assembly. Health care is at the forefront of every legislative session, and legislators make

important decisions that affect you, your patients, and your practice. During the 2020 legislative session alone, 200 healthcare-related bills were introduced. That is why the KMA legislative team, as always, is hard-at-work advocating for the Association's – and medicine's – legislative priorities.

The beginning of a new year also offers an opportunity to remind KMA members that effective advocacy is more than "legislative" advocacy.

KMA often asks its members to engage in "legislative" advocacy by engaging key contacts in the legislature regarding passage of legislation. I thank you for your efforts, but I also want you to know that there is a second arm of advocacy – "political" advocacy – which plays a crucial role in the political process. "Political" advocacy is a necessary component of successful advocacy and plays an enormous role in determining who makes the laws in our state. You engage in "political" advocacy by putting up yard signs, voting, and by offering financial support

to candidates who support your beliefs. The Kentucky Physicians Political Action Committee (KPPAC) is a way to financially support legislators and candidates who support medicine. Supporting the KPPAC is the best way **you** can take part in political advocacy and ensure those who make the laws hear the physician's voice – both on your behalf and on behalf of your patients.

Despite Frankfort's focus on health care, individuals often question the value of contributing to a political action committee like KPPAC. For a large part of my career, I also doubted the prudence and usefulness of handing over my money for political advocacy, and I thought that money was poorly spent. As I became more engaged with KMA and the political process, I realized that many of the laws introduced in Frankfort run counter to physicians' interests and, if enacted, could result in bad health policy, which was often injurious to myself, my practice, and my patients. That realization forced me to admit that nonparticipation was no longer an option. Not only did I become more active in grassroots legislative advocacy, but I also began engaging in political advocacy by contributing to KPPAC. And today, I find myself as the KPPAC Chair.

While you may not be ready to be KPPAC Chair or even a member of the KPPAC Board, contributing to KPPAC is an easy **and effective** way to advocate on behalf of your profession. Unfortunately, contributions to KPPAC were down last year, most likely

as a result of the pandemic. Despite this, we were able to contribute to several important campaigns and support pro-medicine state legislative candidates in last fall's election. 100 percent of the candidates supported by KPPAC won their races in 2020 – a fantastic success rate!

But if KPPAC is to maintain such results, its focus must now be on fundraising. This is where you can help.

Please visit www.kppac.org and contribute today. To make your contribution, click on the **"Contribute"** button to use our secure PayPal account, or complete the available form and mail with your personal check to KPPAC, 9300 Shelbyville Road, Suite 850, Louisville, KY 40222. KPPAC is solely funded through contributions from KMA members and can accept contributions in any amount up to \$2,000. No part of your KMA dues go towards KPPAC. Therefore, **YOU** are the key to KPPAC's success.

Thank you to everyone who contributed in 2020. Your commitment had a significant impact on the composition of this year's legislature. But let us resolve to make KPPAC even more competitive during the next election cycle so that KMA's legislative and political advocacy efforts can best serve Kentucky's physician community. It starts with you and it starts TODAY!

Michael Kuduk, M.D.
KMA Vice President and Chair,
Kentucky Physicians Political Action Committee

KMA, KFMC Launches "Be Well. Stay Well Physician Health Program"

In these trying times, physicians find themselves under enormous pressure as they deal with the normal struggles of everyday life. This professional and personal pressure has only been accentuated by the COVID-19 pandemic.

To assist physicians in rural areas of Kentucky with addressing these issues, the Kentucky Medical Association (KMA) and the Kentucky Foundation for Medical Care (KFMC) have launched the Be Well. Stay Well Physician Health Program.

This program provides up to six free visits with a licensed therapist for KMA physician members in rural areas of the state through The Woodland Group of Lexington, which has extensive experience working with physicians who are dealing with the normal issues every

physician encounters throughout his or her career. The visits are conducted remotely and kept completely confidential from anyone with KMA and/or the physician's practice or employer. The Woodland Group manages the administrative aspects of confirming KMA membership and no report is provided to KMA that contains any physician's name.

This program is made available to rural physicians because of the unique geographic limitations some may face in seeking such assistance, as well as the fact that some urban areas, through their county medical societies, have similar programs that have proven quite popular and successful.

If you are interested in taking advantage of the Be Well. Stay Well Physician Health Program, please confirm your KMA

membership status at members.kyma.org. To make an appointment, call The Woodland Group directly at (859) 255-4864, extension 22.

More information and a brochure about the program is available at kyma.org/BeWellStayWellPHP.



Raise Your Guard, KY:

KMA MSOL Students Discuss Inequities in Vaccination Rates Across Kentucky



Kentucky Foundation
for Medical Care



In August 2020, KMA, the Kentucky Foundation for Medical Care (KFMC), the Foundation for a Healthy Kentucky and Anthem Blue Cross and Blue Shield in Kentucky partnered for an incredibly successful public health campaign that encouraged Kentuckians to see their physician for well-visits and update their vaccinations to maintain optimal health.

Raise Your Guard, KY led to more than 1.5 million impressions across the state and was featured during one of Gov. Andy Beshear's daily press conferences. The multimedia campaign particularly targeted communities that had seen a larger drop

in childhood vaccination rates since the beginning of the pandemic.

Medical students from the University of Kentucky, University of Louisville and University of Pikeville sought to investigate the disparities in vaccination rates by examining barriers in the Hispanic, African-American and rural communities of Kentucky.

The following essays were written by these students to raise awareness to these challenges and the Raise Your Guard, KY campaign. For more information on Raise Your Guard, KY, visit www.RaiseYourGuardKY.org.

Addressing Kentucky's Hispanic Influenza Vaccination Disparity



Stefan Zak
University of Kentucky



Alex Thebert
University of Kentucky



Pat Osterhaus
University of Kentucky

In the United States, Hispanic and non-Hispanic white children have similar vaccination rates, due in part to schools requiring vaccinations. This is bolstered by decreasing barriers to access for the uninsured and underinsured through the Center for Disease Control (CDC) Vaccines for Children Program.

Unfortunately, however, there exists a large disparity between Hispanic and non-Hispanic white adults, with non-Hispanic white adults 47% more likely to get immunized against influenza than Hispanic adults. This is largely driven by economic factors, with Hispanics and other marginalized Americans having less lucrative and secure employment in general. Specifically, jobs for these groups were less likely to offer adequate health coverage and withstand the COVID-19 pandemic. Those with less health insurance are less likely to be immunized annually against influenza, among countless other health disparities. The Affordable Care Act

(ACA) made some steps to address this, but 19% of Hispanic Americans remain uninsured, compared to 7.5% of white Americans.

Another factor driving disparities between Hispanics and non-Hispanic whites is fear. Many undocumented immigrants fear that seeking healthcare will lead to deportation.

As a Hispanic, first-generation Ecuadorian immigrant, I work as a Spanish interpreter for Lexington's large Hispanic community, and have had multiple hard conversations with Hispanic families who confided in me that they delayed medical care out of fear of deportation.

Therefore, there needs to be increased outreach to the Hispanic community in Spanish to communicate that our healthcare system is safe, and that vaccines are safe and effective. The KMA and KFMC's Raise Your Guard, KY campaign sought to reach out to the Hispanic population by providing

all campaign information in Spanish on its website, www.RaiseYourGuardKY.org. Physicians must also be supportive of policies that promote inclusion and health equity.

Under-vaccination within the Hispanic community is only a symptom of a much larger disease in our healthcare system: inequity. We cannot address the former without addressing the latter.



KENTUCKY MEDICAL ASSOCIATION MEDICAL STUDENT
OUTREACH & LEADERSHIP PROGRAM

Kentucky's African-American Population and Disparities in Health Care and Vaccination Rates



Karen Udoh
University of Louisville

In Kentucky, Black individuals face greater health challenges than non-Hispanic white populations. While influenza vaccination coverage rates for whites age 65 and older is 68 percent, it is only 48 percent for African-Americans. The gap for pneumococcal vaccination coverage is even wider: 60 percent of whites report they ever have received this vaccine, compared with 38 percent for African-Americans. From the health care system to our local policies, we must act to increase the accessibility of care and educate African-Americans on the safety and efficacy of vaccines.

Your zip code and neighborhood should not determine your life expectancy, but current data predicts otherwise. If you live in the West End of Louisville, which is predominately Black, you are estimated to live 10-12 years

less than those that live in the East End of Louisville, which is predominately white. According to the 2017 Health Equity report, Black residents in Louisville face increased cancer, heart disease, stroke, asthma, STD, and infant mortality rates. Immunization rates across the board have decreased in our state, especially amongst black and poor children. With increasing uncertainty regarding food and transportation accessibility, housing affordability, job retention, neighborhood safety, and many others due to the COVID-19 pandemic, our most vulnerable communities find themselves in even more challenging situations when it comes to prioritizing their health.

Now more than ever, our healthcare system must do more to invest, educate, and advocate for the survival of our most

underrepresented communities. The Kentucky Medical Association's (KMA) and Kentucky Foundation for Medical Care (KFMC)'s "Raise Your Guard, KY" campaign encourages all Kentuckians to maintain regular visits with a physician and update vaccinations to protect us all against dozens of life-threatening diseases and illnesses. The campaign targets communities that have seen a larger decrease in childhood vaccination rates since the start of the pandemic, which includes neighborhoods in the west end of Louisville. At the same time, we need to promote a stronger healthcare infrastructure that protects and prevents others from slipping through the cracks. We have a long way to catch up, but if we act now and come together at this time, we all can do our part to ensure a safer and healthier Kentucky for all our residents.

Health Disparities: Can We Stay Strong While Six Feet Apart?



Lyudmyla Shymkiv, OMS II
University of Pikeville Kentucky College of
Osteopathic Medicine

Long before the pandemic, the population of rural Kentucky faced challenges in maintaining good physical health compared to the United States. The beauty of living in the mountains is overshadowed by significant health care disparities plaguing the area. According to 2019 reports of the United Health Foundation, Kentucky is among the states with the highest rates of obesity, physical inactivity, smoking, diabetes, and deaths from cancer and cardiovascular diseases. The average household income in Pike County is approximately \$33,000, compared to the average income of \$46,000 in Kentucky and \$65,000 in the United States. Kentucky is the 5th poorest state in the nation, with 18% of its population living below the poverty line. Along the same line, Kentucky ranks 4th in the country with its high school graduation rate. So, where is the disconnect?

Rural communities continue to face challenges with access to primary care physicians. The sheer distance makes it difficult for residents to visit their physician for routine checkups. Of the 120 counties in Kentucky, 80 still face a shortage of health professionals. According to the 2019 Annual Report from the United Health Foundation,

the ratio of primary care physicians in the United States is 159.6 per 100,000 individuals compared, to just 127 physicians per 100,000 individuals in Kentucky. According to data from the Robert Wood Johnson Foundation, several counties have zero primary care physicians, and some have only one primary care physician per 12,000 to 15,000 individuals. This is where telemedicine comes in. However, as beneficial as technology is in connecting patients with clinicians, slow internet connection in the mountains only exacerbates the inequity. Overall, a combination of low income, high proximity from medical resources, and a deficit of primary care physicians contribute to high rates of chronic diseases in Kentucky.

The pandemic has compounded healthcare disparities within the rural communities. Because of financial hardships and psychological strain of stay-at-home measures and social distancing, many have not visited their physicians for routine exams. There has been a decline in annual pediatric checkups and a dangerous drop in immunization rates. This results in putting children and immunocompromised patients at risk for measles, meningitis, whooping cough, pneumonia, influenza, and other

life-threatening illnesses, all of which are preventable. Vaccinating the majority of the population serves a two-fold purpose: it creates herd immunity, or indirect protection for the immunocompromised while preventing outbreaks of infectious diseases. The pandemic has been a sobering reminder of what the world looks like when there is no vaccine for a highly contagious disease.

As we continue to try to slow down the spread of COVID-19, we must work together to improve the health of the entire community. Making strides towards a whole-food diet, exercise, and smoking cessation will better manage and even help prevent chronic diseases. Regular wellness visits with a primary care provider will ensure your child meets developmental milestones and does not experience long-term effects of vaccine-preventable illnesses. Such visits also ensure your loved ones do not run low on life-saving medications or experience chronic disease exacerbation. Living through the pandemic has shown we are stronger when united... even at six feet apart.



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