

Communicator

KMA Wraps Historically Successful Session for Physicians and Patients

Despite challenges related to the COVID-19 pandemic and several inclement weather delays, the Kentucky Medical Association (KMA) wrapped up one of its most successful sessions in recent years, with five priority issues being sent to the Governor's desk.

The Kentucky General Assembly convened on Tuesday, January 5, for the short, 30-day legislative session, and legislators hit the ground running with a fast-paced and aggressive agenda. During the first eight days of the session, legislators addressed issues arising from the coronavirus pandemic, including revisions to KRS Chapter 39A, which sets forth the governor's powers during a declared emergency.

During the 2020 legislative session, the legislature would have normally adopted a two-year spending plan. But due to the economic uncertainty created by COVID-19, legislators only approved an austere plan that covered one year only. This required the 2021 General Assembly to address the remaining year of the two-year budget cycle. In response, lawmakers crafted a "continuation" of last year's budget with most funding levels remaining relatively flat.

KMA Priorities That Passed:

House Bill 140, sponsored by Rep. Deanna Frazier, expands the definition of telehealth to include remote patient monitoring and addresses broadband access and smart device barriers in the state by allowing telehealth

services to continue through audio-only encounters. Additionally, the legislation removes the face-to-face restriction for certain behavioral health services permitting these services to be continued to be delivered via telehealth after the expiration of the public health emergency. Due to a change in the Senate, the final version of the legislation retains the current language in state law, which calls for payment parity unless the telehealth provider and the commercial health plan or Medicaid MCO negotiate a lower rate.

House Bill 50, sponsored by Rep. Kim Moser, requires insurers to demonstrate compliance with federal law in how they design and apply managed care techniques for behavioral and mental health treatment to ensure coverage is no more restrictive than for any other medical condition. Insurers will be required to file annual reports to the Kentucky Department of Insurance (DOI). From there, DOI can act if insurers are not abiding by federal and state law.

Senate Bill 45, sponsored by Sen. Ralph Alvarado, requires health insurers to count ALL payments for prescription drugs made by patients directly or on their behalf toward their deductibles and overall out-of-pocket maximums. This rule would not apply if a generic option is available, unless patients obtain a brand name prescription drug through prior



authorization, a step therapy protocol, or the insurer's exceptions and appeals process. On a related note, SB44 was also passed by the General Assembly. SB44 would require insurers to accept and count towards patients' contributions all premium and cost-sharing payments made on behalf patients from state or federal government programs, Indian or tribal organizations, and certain tax-exempt organizations. This rule would not apply if its application would be the sole cause of a health benefit plan's failure to qualify as a Health Savings Account-qualified High (See 2021 SUCCESSFUL SESSION, Page 3)

P2 / PRESIDENT'S MESSAGE

KMA President Dale Toney says KMA has advocated, communicated and educated in new ways and provided value like never before.

P4 / KMA 2021 ANNUAL MEETING

Planning is underway for the 2021 virtual Annual Meeting with the theme "Better Together: Transforming the Landscape of Care."

P6 / KBML UPDATE

KBML Executive Director Michael Rodman provides an update.

P7 / "TAKE IT FROM ME"

KMA/KFMC campaign encourages residents to receive the COVID-19 vaccination.



President's Message

Advocate,
Communicate,
Educate

The KMA often cites a specific phrase when describing what our Association does for its physician members. In short, we like to say we "advocate, communicate, and educate."

While these three missions typically exist in tandem with one another, I doubt there's ever been another year in the history of the KMA in which they overlapped as much as they have throughout the last one.

2020 brought unprecedented and unforeseen challenges to everyone, but particularly to physicians working on the front lines of the COVID-19 pandemic. To better serve our members and combat this virus, we needed to advocate, communicate and educate in new ways and provide value like never before.

Early in the pandemic, we advocated

"...our goal is to make sure that the work we do enhances YOURS, through advocacy, communications, and education."

for policy changes that would allow more patients to access care from their physicians via telehealth. We continued that advocacy through to the 2021 legislative session, where, despite scheduling and logistical challenges due to COVID-19, KMA saw ALL of its top five legislative priorities cross the finish line. We're now in the process of communicating all of these wins and educating our physician members on the new laws and what they mean for their practices and patients. I hope you'll take the time to read this issue's cover story, as well as the full KMA Advocacy

By working together, we elevated our voices and the impact of these initiatives has been felt by millions of Kentuckians. Our most recent campaign, "Take It From Me," has already been seen by nearly half a million residents across the state, and is featured on page seven of this Communicator.

KMA also pivoted to offer its educational programming virtually, out of concern for the safety of our physician members and to allow them to remain in their home communities to serve patients. We offered our entire 2020 Annual Meeting

online, which included the popular "Meet the Mandates" education sessions with the Kentucky Board of Medical Licensure. More than 2,000 physicians received all of their mandated CME before the end of the

three-year cycle through this program, and hundreds of physicians from across the state engaged with KMA through its virtual meeting events and panel discussions. KMA plans to once again offer its Annual Meeting virtually in 2021, and I encourage you to take a look at the schedule of events and registration information on pages four and five.

While the work of the KMA can never compare with the work our state's physicians are doing by caring for the health of Kentucky, our goal is to make sure that the work we do enhances YOURS, through advocacy, communications, and education. Thank you for your membership, and thank you for caring for Kentucky patients.

Dale Toney, M.D.
2021 KMA President



kycovid19.ky.gov | 855-598-2246

in Action Achievement Report, available at kyma.org/advocacy, to learn more about this historically successful session.

Our advocacy work certainly overlapped with our communications initiatives, which over the last year educated the public on preventing the spread of COVID-19, the importance of wearing a mask, visiting your physician for well-visits and updating your immunizations, and encouraged Kentuckians to receive the COVID-19 vaccine. We worked with a number of other important stakeholder groups on these campaigns, such as the Foundation for a Healthy Kentucky, the Kentucky Hospital Association, the Kentucky Primary Care Association, Anthem Blue Cross and Blue Shield in Kentucky, Humana, Aetna Better Health of Kentucky, and WellCare of Kentucky.

2021 Successful Session

(Continued from Page 1)

Deductible Health Plan under federal law until the minimum deductible is met.

SB5, sponsored by Senate President Robert Stivers, is designed to provide liability protections for “essential service” providers, including physicians and hospitals, from claims “arising from COVID-19” on or after the public health emergency was declared on March 6, 2020 until the emergency is withdrawn or lapses. To avoid any constitutional concerns, the legislation was narrowly written to protect only against liability alleged for injuries related to the declared emergency. Language was also included to still protect the public from “wanton, willful, malicious, grossly negligent or intentional misconduct.”

Senate Bill 51, sponsored by Sen. Ralph Alvarado, but also championed by Rep. Kim Moser for many years, removes prior authorization requirements by commercial health plans and Medicaid MCOs for FDA-approved medications used to treat alcohol and opioid use disorder as of January 1, 2022. The legislation also requires commercial insurers and Medicaid MCOs to file annual reports to the state showing whether providers have prescribed medication for addiction treatment in conjunction with behavioral therapy.

Successfully Defeated This Session:

As anticipated, legislation was once again introduced to expand the prescriptive

authority of Advanced Practice Registered Nurses (APRNs). Among other provisions, Senate Bill 78 would have phased out a statutory requirement to have a collaborative agreement (CAPA-CS) with a physician in order to prescribe Schedule II-V controlled substances. Thanks largely to KMA members who expressed concerns to their legislators, the bill did not receive a floor vote. Late in the session, an attempt was made in the House to add a floor amendment containing the APRN-supported language to an unrelated bill. However, due to KMA advocacy, the sponsor ultimately decided to withdraw the floor amendment.

House Bill 553, otherwise known as the Kentucky False Claims Act, would have encouraged whistleblowers to file lawsuits against government contractors, including physicians who participate in the Medicaid program, in return for a financial reward (15 to 30 percent) paid from the proceeds recovered for the state. Due to opposition from KMA and numerous other businesses and professional associations, the problematic provisions were stripped from this legislation, thus defeating a bill that would have most certainly increased the chances of frivolous lawsuits against Medicaid providers.

KMA Advocacy in Action

The wins achieved during the 2021 session would not have been possible without

the advocacy of engaged KMA member physicians.

In response to the COVID-19 pandemic, KMA hosted a virtual “Advocacy in Action Month” throughout February, in place of the in-person “Physicians’ Day at the Capitol. On Feb. 1, KMA hosted the kickoff event and Member Briefing for Advocacy in Action Month, during which physicians from across the state were briefed on KMA’s priority issues and the landscape of the remaining days of the session.

Advocacy in Action Month also included weekly “Talk Tuesday” events, which encouraged KMA members to reach out to their senators and representatives each Tuesday in support of KMA priority issues, although members were asked to reach out at any time during the month that works for their schedule. Advocacy in Action Month also featured “KPPACtion Day” on Feb. 18, which encouraged physicians to participate in political advocacy by making a contribution to the Kentucky Physicians Political Action Committee (KPPAC).

Hundreds of messages and phone calls were made throughout Advocacy in Action Month and during the 2021 session that ultimately contributed to the KMA’s legislative success. KMA thanks its members for advocating on behalf of Kentucky’s physicians and patients and for improving the practice of medicine and the health of the Commonwealth.

FOLLOW KMA ON SOCIAL MEDIA!



@KYMEDASSOC



FACEBOOK.COM/KYMEDASSN



KENTUCKY MEDICAL ASSOCIATION



YOUTUBE.COM/USER KENTUCKYMEDICAL

Register TODAY! 2021 KMA Virtual Annual Meeting, “Better Together: Transforming the Landscape of Care”

Planning is underway for an exciting and informative 2021 KMA Annual Meeting, to be held virtually in August. The meeting will offer education sessions, elections, and a virtual KMA House of Delegates.

The theme for this year’s meeting, “Better Together: Transforming the Landscape of Care,” will speak to the challenges overcome by the physician community over the last year, as well as the changes in healthcare that will likely become part of the future of medicine.

KMA officers and trustees for the 2021-2022 Association year will be elected during the KMA Annual Meeting. A listing of positions to be filled is available on page five. Email AnnualMeeting@kyma.org to submit a nomination.

Call for Resolutions

The 2021 KMA House of Delegates will be held virtually. In accordance with KMA bylaws that were adopted by the

2014 House of Delegates, all resolutions being submitted for consideration during the 2021 KMA Annual Meeting must be submitted no later than July 25, 2021.

Please submit resolutions to KMA via email at AnnualMeeting@kyma.org.

Reference Committee Hearing

A virtual reference committee hearing will be held Saturday, August 21, 2021 via Zoom Webinar.

The reference committee report will be posted on the KMA Website on Sunday, August 22, 2021.

Extractions to the reference committee report and sunset policy will be accepted Monday, August 23-Thursday, August 26 at 5:00pm EDT via AnnualMeeting@kyma.org.

(Elections, delegate information, and capsule schedule on next page).



Better Together:
Transforming the Landscape of Care
2021 KMA Annual Meeting

Register today:
[Kma2021.eventbrite.com](https://kma2021.eventbrite.com)
Follow along with
Annual Meeting
on Twitter! #KYMA2021

2021 KMA Annual Meeting Highlights

- **Virtual event...connect from anywhere!**
- **Shape KMA Policy through Virtual House of Delegates**
- **Education Sessions**
- **KMA Board of Trustee Elections**

KMA Elections and Delegate Information

KMA officers and trustees for the 2021-2022 Association year will be elected virtually during the 2021 KMA Virtual Annual Meeting. Uncontested nominations will be considered elected by acclamation. Vacancies created by elections or contested elections will be voted on by the HOD on Sunday, August 29.

A listing of positions to be filled is available below and at www.kyma.org/2021-kma-annual-meeting/. Nominations will be accepted until Thursday, August 26 at 5:00pm EDT. Nominations should be submitted to AnnualMeeting@kyma.org.

Verified delegates must be registered for the Annual Meeting by July 25 in order to participate in elections. Registered delegates will receive their voting credentials and virtual Delegate Handbook between Aug. 1-15. Delegates should check their email frequently to receive more specific information on the elections process and important dates.

GENERAL KMA OFFICERS

<u>Term</u>	<u>Office</u>	<u>Incumbent</u>
1 year	President-Elect	To be elected from state at large
1 year	Vice President	Michael K. Kuduk, MD, Winchester

AMA DELEGATES AND ALTERNATE DELEGATES

AMA Delegates and Alternate Delegates are elected from the state at large for a term of two years. There is no limit on the number of terms they may serve.

2 years	Delegate David J. Bensema, MD, Lexington
2 years	Delegate J. Gregory Cooper, MD, Cynthiana
2 years	Delegate John L. Roberts, MD, Louisville
2 years	Delegate Bruce A. Scott, MD, Louisville
2 years	Delegate Donald J. Swikert, MD, Union
2 years	Alternate Delegate Shawn C. Jones, MD, Paducah
2 years	Alternate Delegate Mamata G. Majmundar, MD, Louisville
2 years	Alternate Delegate Suzanne McGee, MD, Louisville
2 years	Alternate Delegate William B. Monnig, MD, Edgewood
2 years	Alternate Delegate R. Brent Wright, MD, Glasgow

TRUSTEES AND ALTERNATE TRUSTEES

The KMA Bylaws provide that the Trustees and Alternate Trustees to be elected will be nominated by the Delegates of their respective Districts. It is the obligation of the Districts to communicate to the Nominating Review Authority their nominations. Trustees and Alternates are elected for a 3-year term and may be reelected once.

<u>Term</u>	<u>District</u>	<u>Trustees</u>	<u>Alternate Trustees</u>
3 years	2	* Shirishkumar N. Patel, MD, Owensboro	* Philip B. Hurley, MD, Owensboro
1 year	3	Vacant (Election for Alternate Trustee Only)	
1 year	4	Vacant (Election for Alternate Trustee Only)	
3 years	7	* Ronald E. Walldridge, II, MD, Shelbyville	Vacant
3 years	9	* Leslie Schwindel, MD, Georgetown	Vacant
3 years	10	* Tuyen T. Tran, MD, Versailles	** Mamata G. Majmundar, MD, Louisville
2 years	11	Vacant (Election for Alternate Trustee Only)	
3 years	13	* Ishmael W. Stevens, Jr, MD, Ashland	* J. Roger Potter, MD, Ashland
2 years	15	Vacant	Vacant

* Has served one full term (and/or partial term vacated by another Trustee or Alternate) and is eligible for another full term.

** Has moved out of the District and is not eligible for reelection in District 10.

2021 KMA Annual Meeting Capsule Schedule

Sunday, July 25

Resolution Submission Deadline
Reported Delegate Deadline

Monday, July 26

Resolutions Posted to KMA Website

Sunday, August 1 - Sunday, August 15

Credentialed Delegates To Receive Voting
Credentials via Data on the Spot (DOTS)

Monday, August 16

KMA Executive Committee Meeting
(7:00pm EDT)

Wednesday, August 18

KMA Board of Trustees Meeting
(7:00pm EDT)

Saturday, August 21

Reference Committee Hearing(s) (Time
TBD)

Sunday, August 22

House of Delegates Opens
Reference Committee Report Posted on
KMA Website
DOTS Virtual Live Training via Zoom
Webinar for Registered Delegates on
Voting Platform for Elections and HOD
(Recording to be posted on KMA Website)

Monday, August 23-Thursday, August 26 at 5:00pm EDT

Reference Committee Report Extractions
Accepted from Registered Delegates
Sunsetting Policy Extractions Accepted
from Registered Delegates
Nominations Accepted

Tuesday, August 24

KMA Board of Trustees Meeting (7:00pm
EDT)

Thursday, August 26 at 5:00pm EDT

Deadline for Reference Committee and
Sunsetting Policy Extractions
Deadline for Nominations

Friday, August 27

Extracted Items emailed to registered
delegates and posted on KMA Website
*Remainder of Reference Committee Report
and Sunsetting Policy will be considered
adopted as a Consent Calendar*
Uncontested nominations will be
considered elected by acclamation
Vacancies created by elections or contested
elections will be voted on by the HOD on
Sunday, August 29

Sunday, August 29

12:00pm Virtual House of Delegates
Following HOD-KMA Board of Trustees
Reorganizational Meeting

Update From the KBML



On behalf of the Kentucky Board of Medical Licensure, I am pleased to take a few moments and share some of the Board's activities over the past several months. Like most physician offices, the COVID-19 pandemic has created some challenges to the Board's operations over the past year. As many Kentucky physicians embraced the transition to telemedicine formats to treat their patients, the Board has continued to meet and carry out its statutory functions using virtual meeting technology along with most of our staff engaging in some form of working remotely.

Last September, the Board was finally able to complete the steps to become active participant in the Interstate Medical Licensure Compact (IMLC). For those not familiar with this concept, the IMLC is a legal agreement among participating states that allows physicians to obtain expedited licensure in multiple states. This expedited licensure process requires that a physician hold a full, unrestricted license in a member state and meet all 9 qualifying requirements, including such as specialty board certification and an FBI fingerprint-based background check. A state where the physician holds the full, unrestricted license verifies that the information on the IMLCC application is correct and has been primary source verified. Once the application is

approved, the verified information is sent to the states from whom the physician wishes to receive licenses. Only states who have formally joined the IMLC can participate in this process. We have already seen many Kentucky physicians take advantage of this opportunity. For more information on the IMLC or if you are interested in applying for licensure in other states, please visit <https://www.imlcc.org/>.

In addition to implementation of the IMLC, the Board has been involved in a variety of regulatory issues ranging from amending 201 KAR 9:270, which sets out the standards for the prescribing or administering Buprenorphine to working on the processes and regulation to allow physician assistants to prescribe controlled substances along with promulgating a new regulation for athletic trainers. It is important to note that in all of these various issues, the Board always looks to the physician community for guidance and would like to offer its appreciation to all of the physicians who assisted in these efforts.

Another successful endeavor for the Board included our partnership with the KMA to sponsor a series of six virtual "live" educational sessions that were offered in August of 2020, which allowed physicians to fulfill all of their Board mandated CME requirements. These sessions, which offered at no cost,

were made available online and I am pleased to report that over 2500 licensed physicians completed them. We believe this unique educational opportunity has created positive changes as it relates to the prescribing controlled substances and treating addiction throughout Kentucky. The Board would like to thank the KMA for their expertise and partnership and the Federation of State Medical Boards (FSMB) Foundation for their support of this endeavor.

The Board also welcomed three new members in recent months with Governor Andy Beshear's appointments of Waqar A. Saleem, M.D., of Louisville, Heidi Koenig, M.D., of Louisville, and James M. Foster, of Hopkinsville, as a consumer representative. In addition, the Board re-elected Sandra R. Shuffett, M.D., of Nicholasville, to serve as Board President. William C. Thornbury, Jr., M.D., of Glasgow, was elected as Vice President and serves as Chair of the Board's Inquiry/Hearing Panel B. Dr. Saleem was elected to serve as Secretary and serves as the Chair of the Board's Inquiry/Hearing Panel A.

Finally, I am pleased to report that our agency recently completed the annual renewal cycle for medical and osteopathic physicians practicing in the Commonwealth. As in past years, I am happy to report the renewal process went very smoothly this year with 18,477 physicians renewing their medical/osteopathic licenses for 2021. In the coming weeks, our staff will be finalizing a more detailed report on physician licensure data and make it available to the KMA. In the event that a physician has allowed his/her license to lapse, they can simply contact the Board office for instructions on how to reactivate it.

As always, the Board truly appreciates the assistance and support from the KMA. In the event that you may have a question regarding a Board matter, please feel free to contact our office at (502) 429-7150.

Michael S. Rodman
Executive Director, Kentucky Board of Medical Licensure

"Take It From Me": New Campaign from KMA, KFMC Encourages Residents to Receive COVID-19 Vaccine

Adults who are hesitant to take the COVID-19 vaccine may be more likely to do so if they know someone who has received it. That's the premise of the new "Take It From Me" campaign, launched in March by the Kentucky Medical Association (KMA), Kentucky Foundation for Medical Care (KFMC), the Foundation for a Healthy Kentucky (FHKy), the Kentucky Hospital Association (KHA), and the Kentucky Primary Care Association (KPCA) to encourage residents to receive the shot when it's their turn.



"I encourage my patients to get the COVID-19 vaccine as soon as they are able."

-Leigh Doane, M.D.
Sterling Health Care OBGYN, Winchester

"Take It From Me" includes social media advertisements as well as a series of video and print public service announcements that the partner groups will be asking media outlets and health providers across the state to share, particularly as vaccine eligibility in Kentucky now has been expanded to include all adults ages 50 and older. The PSAs feature a diverse group of residents reassuring others to "take it from me" that the COVID-19 vaccine is safe and effective.

"We encourage talking to your physician about the vaccine. But through the 'Take It From Me' campaign, we also hope Kentuckians will talk to their friends and neighbors who have received it to help ease any concerns," said KMA President Dale Toney, M.D., who is featured in the spots. "Millions of people have been safely vaccinated—myself included—and we need as many as possible to receive it to put this pandemic behind us."



Kentucky Foundation
for Medical Care



FOUNDATION FOR A
HEALTHY
KENTUCKY

kycovid19.ky.gov | 855-598-2246



take it
from me.

In addition to Dr. Toney, the "Take It From Me" campaign features:

Michael Branch, the first Louisville firefighter to contract COVID-19, who is married to a physician and is the father of an infant daughter;

Leigh Doane, M.D., a mother of two young children (with another on the way), and wife of a police officer, specializes in women's health. She was filmed on-site at her Sterling Health Care OBGYN office in Winchester;

Camille Jordan, RN, BSN, MSN, APRN, FNP-C, CDP, is Senior Vice President of Clinical Operations & Innovation for Signature HealthCARE, LLC, and is a nurse by training;

Edward L. Palmer, Sr., is Pastor of The Sign Of The Dove Church in Radcliff, as well as a Certified Diversity Trainer and social justice advocate, and;

Jason "JP" Phillips, UK Extension Agent for Agriculture in Simpson County, is an avid hunter, fisherman, and outdoorsman. He lives on a farm outside Franklin with his wife and two dogs.

Viewers are encouraged to consult the Kentucky Cabinet for Health and Family Services COVID-19 vaccine website, kycovid19.ky.gov, and hotline, 855-598-2246, for more information on vaccination. The "Take It From Me" campaign will run throughout 2021. The PSAs are available at <https://www.youtube.com/c/KentuckyMedicalAssociation>.



take it
from me.



9300 Shelbyville Road, Ste. 850
Louisville, KY 40222-5178

Presorted Standard
US Postage
PAID
Louisville, KY
Permit No. 614





**Revealing
the best
way forward**

We've revolutionized
the ways you understand
your risk and we'll never
settle for the status quo.
we'll always be working
for you.

MAGMUTUAL®
MagMutual.com | 800-282-4882

**Kentucky Foundation
for Medical Care**

Your tax-deductible donation allows KFMC to assist practicing physicians through education and other projects including the "Be Well. Stay Well Physician Health Program" for rural physicians and the "Take it From Me" COVID-19 vaccine campaign.



KFMC Contribution Levels

Legacy	\$5,000+
Visionary	\$1,000–\$4,999
Benefactor	\$500–\$999
Partner	\$250–\$499
Supporter	\$25–\$249

Mail Contributions to:
KFMC – Kentucky Medical Association
PO Box 950245
Louisville, KY 40295-0245

www.kyfmcc.org
#KFMC