

KENTUCKY MEDICAL ASSOCIATION

# Better Together



## 2021 ANNUAL REPORT TO THE MEMBERSHIP

---

# Better Together:

## A Message from the KMA Board of Trustees Chair



This past year has been unlike any other that we have witnessed together. KMA was presented with numerous challenges to the day-to-day lives and practices of our members. I am grateful that our Association had the confident strength of leadership, administration and commitment-to-mission in place to shoulder such a crisis.

I am very proud of the work of our Association. Most importantly, KMA was able to pivot and lend support to its members throughout this crisis. The dynamic work of your team persevered our commitment to continue providing excellence in education services. We spearheaded a digital advocacy campaign that led to unprecedented success. We engaged in new partnerships to promote our public health and physician wellness initiatives. All this was accomplished under the umbrella of the pandemic by working together. *Res ipsa loquitor*: I submit that the results speak for themselves.

This past year, KMA held its first-ever virtual annual meeting that witnessed a record turnout. Your staff prepared a number of informative and interactive educational opportunities. In particular, the "Meet the Mandates" CME sessions, in partnership with the Kentucky Board of Medical Licensure, allowed nearly 3,000 physicians from across Kentucky to receive all of their mandated CME online from the safety of their home—free of charge.

KMA collaborated with outside stakeholders in separate initiatives to encourage our patients to achieve optimal health by returning to see their physician, updating their immunizations, and obtaining a flu vaccine. We have also worked to educate our fellow Kentuckians about COVID-19 and how to mitigate its spread. Our latest multimedia public health campaign, "Take It From Me," encourages residents to receive their COVID-19 vaccine as soon as possible.

This spring, KMA also completed our most successful legislative session in recent history. Overcoming the challenges related to pandemic restrictions at the Capitol, KMA's five priority issues were sent to the Governor's desk and became law—notably, Senate Bill 5 providing COVID-19 liability protections for physicians, hospitals and essential service providers.

I am extraordinarily pleased to also share that KMA has seen an increase in active membership for 2021. This is a tremendous accomplishment that speaks directly to the value of KMA membership—especially during times of uncertainty. In particular, I want to forward the work of our KMA President, Dr. Dale Toney, for reaffirming KMA's commitment to physician well-being through the launch of the "Be Well. Stay Well" campaign aimed at supporting the physical, mental, and financial health of physicians during these demanding times.

Lastly, I continue to be exceedingly proud of the standard that our physician colleagues have maintained navigating Kentucky's health crisis together—all the while, continuing to provide both leadership in their communities and the highest of quality care and comfort to patients across the Commonwealth. I encourage you to make a few minutes to review the full 2020-2021 KMA Annual Report to the Membership. As you read, I gently remind you that the Association's many successes and accomplishments are not possible without you—indeed, these accomplishments are you. You make a difference in our communities; and, more today than ever before, your membership is the difference.

In closing, our physician community has learned many hard lessons this past year. This high sacrifice cost many of us beloved patients, some of us family, and a few of us our lives in service to this profession. While the future will certainly hold challenges that we shall continue to face, we shall do so together.

**William C. Thornbury, Jr., M.D.**  
**Chair, KMA Board of Trustees**

---

# Advocacy

## State Legislative Advocacy

Thanks to the advocacy of engaged physicians from across the state, the Kentucky Medical Association completed one of its most successful legislative sessions in recent history. Despite challenges related to the COVID-19 pandemic and several inclement weather delays, five KMA priority issues were sent to the Governor's desk and became law. These include:

**Telehealth Expansion:** House Bill 140, sponsored by Rep. Deanna Frazier, expands the definition of telehealth to include remote patient monitoring, allows telehealth services to continue through audio-only encounters, and removes the face-to-face restriction for certain behavioral health services.

The law also prohibits commercial health plans and Medicaid MCOs from requiring prior authorization for a telehealth service that would not be required if that service were provided in person.

**Mental Health Parity:** 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).

## "Advocacy in Action" Month

In response to the COVID-19 pandemic and the restrictions on in-person activities, KMA hosted a virtual "Advocacy in Action Month" throughout February in place of "Physicians' Day at the Capitol." 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. Advocacy in Action Month also featured "KPPACtion Day," which encouraged physicians to participate in political advocacy by contributing to the Kentucky Physicians Political Action Committee. These virtual advocacy efforts resulted in hundreds of messages and phone calls to legislators throughout Advocacy in Action Month and during the 2021 session that ultimately contributed to 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.



---

# Advocacy

**Co-Pay Accumulator:** 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.

**Prior Authorization for MAT:** Senate Bill 51, sponsored by Sen. Ralph Alvarado, removes prior authorization requirements by commercial health plans and Medicaid MCOs for FDA-approved medications used to treat alcohol and opioid use disorder. The law 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.

**COVID-19 Liability Protections:** Senate Bill 5, sponsored by Senate President Robert Stivers, provides 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.

KMA's advocacy efforts also proved effective in defeating legislation that would have established harmful public policy. For instance, 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 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 in either legislative chamber.

Additionally, 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 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.

Members are encouraged to review the full KMA 2021 Advocacy in Action Achievement Report, which outlines each of the bills that passed, along with additional healthcare-related legislation.

## Federal Advocacy

In addition to state-level advocacy, KMA also engages Kentucky's federal delegation to ensure the physician voice is reaching elected officials in Washington, D.C. During the past year, KMA has been very active on the national level by advocating on issues ranging from scope of practice and physician immigrant visas to Medicare sequester and COVID-19 relief.

However, the majority of KMA's federal advocacy efforts were devoted to the "surprise billing" issue. KMA action came in response to a late push by Congress to include the "No Surprises Act" in their end-of-year omnibus spending package. The "No Surprises Act" is intended to protect patients from surprise medical bills when they receive unanticipated out-of-network care in emergency and nonemergency settings. While KMA agreed with the bill's intent, there were several problematic provisions within the original bill that would have given considerable advantage to insurers when negotiating with physicians on out-of-network payments. KMA and other groups advocated for changes and because of that advocacy, which included direct communications with Senate Majority Leader Mitch McConnell's office, significant and positive revisions were made to the final version. The law takes effect on January 1, 2022.

---

# Advocacy

## Medical Business Advocacy

As part of the AIM for Better Care: Administrative Improvements in Medicine initiative, KMA continues to advocate for increased colon cancer screenings and to provide education on insurance coverage and proper billing and coding for screening colonoscopies. Although state law requires all screening colonoscopies to be fully covered by insurance, even when a polyp is found and removed, confusion by insurers and healthcare providers about coverage and appropriate coding often result in the incorrect coding of the screening colonoscopy as a diagnostic procedure causing patients to incur additional costs that may deter them from receiving potentially life-saving screening services. KMA partnered with the Department of Insurance (DOI) as part of a market research grant received by the DOI to provide statewide education on colonoscopy screening coverage and billing and coding resulting in insurers updating policies to reflect appropriate coding guidance and coverage.

The Technical Advisory Committee on Physician Services for Medicaid (TAC) also continued its work to reduce administrative barriers in the Medicaid program by highlighting inconsistencies in state regulations related to physician signature requirements. The TAC made recommendations to the Department for Medicaid Services to bring the regulations into alignment and to delay audits on signature requirements until the regulations can be revised. The TAC also provided updates to members on the selection of Medicaid Managed Care Organizations and the new "Missed Appointments" feature on KYHealthNet, which allows providers to report when a Medicaid patient misses or cancels an appointment.

Expanded telehealth services have been a lifeline for many Kentucky patients during the pandemic. Although telehealth encounters have declined from the all-time highs seen in the early days of the public health emergency, telehealth continues to be instrumental in providing increased access to care, particularly in rural and underserved communities.

Through engagement with the Kentucky Telehealth Steering Committee and various subcommittees, KMA continues to advocate for expanded patient access and accurate coverage and reimbursement for telehealth services. Most recently, KMA provided input on draft guidelines on the requirements for the proper use and security of telehealth that are required as part of the new telehealth law. KMA will continue to monitor the development of these new telehealth regulations and provide input as needed.

## KMA Legal Trust Fund

KMA frequently litigates on behalf of physicians to increase liability protections and defend against attempts to expand liability. In 2020, KMA and the American Medical Association joined together on amicus briefs in three separate cases pending before the Kentucky Supreme Court: *Sneed v. University of Louisville Hospital*, *Shwab v. Revindra*, and *Watson v. Landmark Urology, P.S.C.* KMA received a favorable decision in *Sneed*, which focused on the statute of limitations in medical liability cases. At the time of this report, KMA awaits the Supreme Court's decisions in *Shwab* and *Watson*, both concerning the adequacy of a patient's informed consent.



---

# Education

## **KMA Annual Meeting and Meet the Mandates**

The 2020 KMA Annual Meeting was held in a virtual format out of concern for the safety of Kentucky physicians as well as respect for the time and schedules of members during the pandemic. Despite not being able to meet in person, participation in the educational sessions exceeded expectations. The online format allowed for multiple educational offerings, and member engagement and participation were significantly higher than past in-person offerings. Sessions focused on various aspects and implications of COVID-19 including clinical considerations, the emergence and evolution of telemedicine, leadership during the pandemic, and changes in training for students and residents. Feedback from members regarding the virtual format was overwhelmingly positive and highlighted the ease of participation and speaker expertise.

In partnership with the Kentucky Board of Medical Licensure, KMA once again provided the popular "Meet the Mandates" CME sessions, which allowed physicians from across the state to receive all of their mandated CME online and free of charge from the safety and comfort of their home. Almost 3,000 physicians participated in these sessions on domestic violence, pediatric abusive head trauma, and clinical considerations of substance abuse.

## **CME Accreditation**

KMA accredits 18 organizations throughout the state to provide continuing medical education (CME). To help CME providers maintain compliance in accreditation requirements and policies, KMA provides key resources, training, and ongoing monitoring of these programs. The CME Committee and Council continued efforts to support KMA accredited CME providers during the COVID-19 pandemic through virtual webinars on accreditation topics and one-on-one consultations to help providers pivot from in-person to online education. KMA was also able to quickly adapt its in-person coordinator training, "Roadmap to CME," to a virtual experience to aid providers in the development and training of new employees.



As a result of several changes in accreditation guidelines, KMA modified required documents and forms for continuing medical education approval. These new forms allow information to be completed and submitted electronically. Recognizing the value in this change, KMA shared these forms with all accredited providers.

KMA also received several grants through a state medical society collaboration to promote online education offerings on various clinical considerations of COVID-19. These educational sessions were made available to all members and KMA accredited CME providers.

## **Joint Providership**

Joint providership allows non-accredited organizations the ability to provide CME to a local audience. KMA's joint providership programming grew significantly over the past year as organizations sought to provide timely education on COVID-19 and specialty specific clinical information. These joint providership arrangements provide important non-dues revenue for the association and forge strategic partnerships that create opportunity for future collaborations.

---

# Physician Wellness



## **Be Well. Stay Well.**

KMA introduced the "Be Well. Stay Well" campaign under the leadership of KMA President Dale Toney, M.D., in 2020. The multi-faceted effort focuses on the mental and physical health of both patients and physicians through education and awareness initiatives.

Throughout the last year, the effort has made a tremendous impact through various programs, educational opportunities, and campaigns. These include the "Wear It For Me" mask campaign, the "Raise Your Guard, KY" and "Raise Your Guard, KY: Focus on Flu" programs, and the "Take It From Me" COVID-19 vaccine campaign. These efforts have reached more than 3 million Kentuckians combined and many have specifically targeted areas of the state experiencing greater health disparities.

The Be Well. Stay Well initiative also launched the "Be Well. Stay Well. Physician Health Program" in January 2021, which 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.

KMA and the KFMC thank the physician members who have helped make this work possible as the Association and Kentuckians navigated the COVID-19 pandemic.

## **Be Well. Stay Well. Physician Health Program**

Over the past several years, there has been a great deal of discussion about "burnout" in the physician community. The issue has been addressed by a number of national, state, and local groups, including medical societies. In Kentucky, the Lexington Medical Society (LMS) developed and launched a nationally recognized physician burnout program that has been replicated by various societies around the country. The LMS program provides free counseling sessions to LMS members who feel the effects of burnout. The individual sessions are provided by a Lexington group of therapists. The Greater Louisville Medical Society has a similar program, and the Northern Kentucky Medical Society is in talks with LMS about the possibility of instituting a similar program in that region. However, the rural areas of Kentucky do not have the resources for setting up and administering such a program for physicians. KMA's charitable arm, the Kentucky Foundation for Medical Care (KFMC), merged with the former Rural Kentucky Medical Scholarship Fund several years ago. At the time of the merger, the KFMC set aside money for a future initiative that might benefit rural physicians. In January 2021, the KMA and KFMC launched the "Be Well. Stay Well. Physician Health Program," modeled after the LMS program and offering up to six free therapy sessions to a KMA member physician who resides in a rural area of Kentucky. For more information, visit [kyma.org/bewellstaywellphp](https://kyma.org/bewellstaywellphp).

---

# Public Health

## COVID-19 and Student Athletes

Over the past year, the KMA Committee on Physical Education and Medical Aspects of Sports continued to focus on COVID-19 and efforts to mitigate the virus' potential impact on the state's student athletes. In consultation with the Kentucky High School Athletic Association, the Committee met regularly through video conference to address various issues, including return-to-play guidelines post-COVID-19 infection, use of facial coverings during competition, crowd capacity for athletic events, and student athlete vaccinations.

## Public Health Campaigns

KMA partnered with outside stakeholder groups on several highly successful public health campaigns to encourage patients to see their physician, update their immunizations, get a flu shot, and take the COVID-19 vaccine as soon as possible.



### Raise Your Guard, KY

In August 2020, KMA, KFMC, The Foundation for a Healthy Kentucky (FHKy) and Anthem Blue Cross and Blue Shield in Kentucky partnered for a joint public health campaign, "Raise Your Guard, KY," which encouraged Kentuckians to schedule well-visits with their physician and update their vaccinations in order to maintain optimal health.

Raise Your Guard, KY was announced by Gov. Beshear during his press conference on Aug. 20 with a video that included KMA President Dale Toney, M.D., Falls City Medical Society President Lewis Hargett, M.D., Anthem of Kentucky Medical Director Jeff Reynolds, M.D., FHKy President and CEO Ben Chandler, and Kentucky Public Health Department Director of Health Equity Vivian Lasley-Bibbs. The video also included a message of support from Lt. Gov. Jacqueline Coleman. The



Above: 2020-21 KMA President Dale Toney, M.D.

Below: A "Raise Your Guard, KY" billboard in Louisville

campaign website, [RaiseYourGuardKY.org](https://RaiseYourGuardKY.org), includes resources and information on vaccinations and a link to KMA's Physician Finder tool. Information on the website is also available in Spanish.

The statewide campaign coincided with Immunization Awareness Month and featured billboards, advertisements on radio and streaming services, as well as targeted social media and web ads in areas of the state where there had been a drop in vaccination rates due to the COVID-19 pandemic. More than 1.1 million targeted social media messages were distributed, and an estimated 3.7 million people viewed the Raise Your Guard, KY billboards, in addition to a reach of more than 142,000 through streaming service advertisements. The successful campaign led to a number of other organizations reaching out to KMA to partner on various public health efforts.



---

# Public Health



## **Raise Your Guard, KY: Focus on Flu**

The success of the "Raise Your Guard, KY" campaign and other previous efforts highlighted KMA's leadership in public health and led to outreach from other organizations regarding potential partnerships. This inspired the expansion of "Raise Your Guard, KY" in December to include additional partners in Aetna Better Health of Kentucky, Humana, the Kentucky Hospital Association, and WellCare to focus on flu immunization to avoid a "twindemic" of flu and COVID-19. Advertisements for the campaign were featured on social media, Spotify, and streaming services throughout December, and a joint op-ed was published in numerous papers across the state the week of Jan. 10. This expanded campaign resulted in more than 1.3 million additional impressions across the state.



## **Take It From Me**

KMA, KFMC, the Foundation for a Healthy Kentucky, the Kentucky Primary Care Association, and the Kentucky Hospital Association launched a joint statewide COVID-19 vaccination campaign in March 2021. "Take It From Me" encourages Kentuckians to receive the COVID-19 vaccine and features a diverse group of residents, including KMA President Dale Toney, M.D., reassuring viewers that the vaccine is safe and effective. The campaign PSAs have been shared with the Kentucky Broadcasters Association, and the social

media advertisements that accompany the spots achieved more than 2 million impressions during their initial run, with more than 1,200 clicks to the website to learn more. Advertisements on streaming services also amounted to more than 831 hours watched and an above-industry average video completion rate. Targeted social media and web ads are also being deployed in counties where current vaccination rates are the lowest in the state. The campaign will continue to be promoted throughout 2021.



Above: Leigh Doane, M.D., of Mount Sterling is featured in one of the Take It From Me public service announcements  
Below: Louisville firefighter Michael Branch encourages Kentuckians to receive the COVID-19 vaccine as part of the Take It From Me campaign

---

# Leadership



**Kentucky Physicians Leadership Institute**  
As with many other in-person activities planned over the last year, the difficult decision was made to suspend the Kentucky Physicians' Leadership Institute (KPLI) for 2020. During this time, however,

several past graduates took the opportunity to further develop their leadership skills through participation in an online coaching certificate program offered by KMA's educational partner, Butler University. KMA continues to explore additional forms of post graduate engagement for KPLI alumni.

The KPLI will resume in 2021 with a full class for the in-person sessions. Sessions will once again focus on aspects of personal leadership styles, organizational and business leadership considerations, and advocacy in leadership. New to the program this year is a fourth session on

## Kentucky Foundation *for* Medical Care

communication, in which participants will learn how to harness the power of social media and adapt to new trends in patient care like telemedicine and telephonic patient visits. At the conclusion of each session, participants have the opportunity to engage with leaders from various organizations during a fireside chat.

Made possible through the generous support of KMA's charitable arm, the Kentucky Foundation for Medical Care, the KPLI has been highly successful in engaging and supporting the growth of physician leaders. Over ninety percent of graduates have taken on new leadership roles such as serving on boards, providing testimony at legislative hearings, meeting with legislators on KMA priorities, and serving as a spokesperson on various public health issues.

## Medical Student Outreach and Leadership Program



The Medical Student Outreach and Leadership Program (MSOL) was designed to engage students early in organized medicine and create future physician leaders through educational sessions and community involvement. During the program's sixth year, MSOL expanded to five campuses, reaching students at the University of Kentucky, University of Louisville, University of Pikeville, University of Kentucky-Northern Kentucky, and University of Kentucky-Bowling Green. To help accommodate students from each campus, MSOL revamped the program by streamlining the requirements and offering all the presentations virtually. This year's class of 94 graduates brings the total number of MSOL graduates to 431. The MSOL program is funded by the Kentucky Foundation for Medical Care.

---

# Administration

## **Budget and Membership**

Throughout the 2021 fiscal year, the KMA Budget Committee met several times to monitor both revenue and expenditures to see what, if any, financial impact the pandemic might have on KMA resources. For the second year in a row, KMA experienced an increase in active membership. This increase greatly assisted KMA's financial situation since nearly eighty-five percent of revenue stems from membership dues. At year-end, KMA finished with net income thanks in part to the overall membership increase, as well as a decrease in costs associated with few in-person activities due to the pandemic. As KMA once again hosts and physicians attend live events, costs will increase in coming years compared to 2021. As both the Budget Committee and the KMA Board of Trustees discussed throughout the year, KMA may want to continue to identify lessons learned from the pandemic to create administrative and financial efficiencies that offer increased access to KMA programs by members, such as virtual education.

## **Virtual Board Meetings**

The KMA Board of Trustees continued to hold its meetings virtually during the 2021 association year. Despite no in-person meetings, the Board was able to oversee the operations and strategic direction of the association including additional virtual education for the membership; a historic legislative session; several public health initiatives that reached millions of Kentuckians; a positive financial year; and KMA President Dr. Dale Toney's emphasis on both public and physician well-being as evidenced by the new "Be Well. Stay Well." program. KMA leadership looks forward to once again meeting in person during the 2022 association year.

## **Delegation to the American Medical Association**

As a result of COVID-19 pandemic, the American Medical Association (AMA) annual and interim meetings were conducted virtually, and House of Delegates business was limited to special priority issues. Kentucky is well represented at the AMA with various members of the Kentucky Delegation

serving in leadership positions. Delegation member and KMA Past President, David J. Bensema, M.D., continued his service as a member of Reference Committee F, which deals with the financial considerations of the organization. Ariel Carpenter, M.D., continued her service as an alternate delegate for the AMA Residents & Fellows Section. Bruce A. Scott, M.D., a member of the Kentucky Delegation and KMA Past President, was re-elected as Speaker of the AMA House of Delegates. In his role as Speaker, Dr. Scott worked countless hours with AMA staff in the development of the virtual format, and his hard work was apparent in the success of both the interim and annual meetings.

## **AMA Litigation Center**

As highlighted in the advocacy section of this report, KMA, along with the AMA, has been very active in a number of legal cases in Kentucky involving the practice of medicine. This work is done through the Litigation Center of the American Medical Association and State Medical Societies, which is the voice of America's medical profession in legal proceedings across the country. The cases in which the Litigation Center join are determined by the Litigation Center's Executive Committee made up of a small group of physician and state medical society staff leaders from around the country. Kentucky is well represented on the Litigation Center Executive Committee through KMA Past President Bruce Scott, M.D., and KMA Deputy Executive Vice President Cory Meadows, who was appointed this past year. For more information about the Litigation Center, visit <https://www.ama-assn.org/health-care-advocacy/judicial-advocacy/litigation-center>.

# In Memoriam

Thousands of Kentuckians lost their lives as a result of the COVID-19 pandemic, including three physicians. KMA would like to express its sympathy to the families, friends, and communities of these physicians and recognize the impact of these losses on the medical profession as a whole.



**Rebecca Shadowen, M.D.**, was an infectious disease specialist from Bowling Green who urged mask wearing early on in the pandemic. She battled COVID-19 for nearly 4 months before her death in September 2020.



**Mohammad Jawed, M.D.**, practiced internal medicine in Corbin and specialized in hypertension and diabetes for more than 20 years. Dr. Jawed fought COVID for seven weeks and passed away in November 2020.



**Don Miller, M.D.**, was an emergency room physician in Bowling Green who practiced for more than 17 years. He treated an untold number of COVID-19 patients before contracting the virus and passing away in December 2020.



