



Caring for the Commonwealth
Physician Led. Patient Focused.

2022

**Annual Report to the
Membership**

Caring for the Commonwealth:

A Message from the Chair of the KMA Board of Trustees



2021–2022 was yet another challenging year for Kentucky physicians. While most of our society is moving on from the pandemic, the threat of COVID–19 remains. As physicians, we’re also still dealing with its non–clinical effects: staffing shortages, misinformation, and burnout among ourselves and our colleagues.

However, one steadfast through all of these obstacles has been our Kentucky Medical Association (KMA). At a time when our profession has witnessed its greatest challenges, the KMA has worked to educate, advocate, and care for the Commonwealth.

This past year, KMA held its second virtual Annual Meeting, and its first virtual House of Delegates, allowing Kentucky physicians to come together from across the state safely and conveniently to discuss and implement new policy. More than 250 physicians participated in Annual Meeting events during the month of August, underscoring the value and impact of coming together through organized medicine.

In addition, KMA continued partnering with other stakeholders to bring education and awareness to Kentucky patients. Our “Take It From Me” COVID–19 vaccine campaign with the Kentucky Foundation for Medical Care, the Foundation for a Healthy Kentucky, Kentucky Hospital Association and Kentucky Primary Care Association produced new content as virus counts rose and additional guidelines were released. Our efforts were so wide–reaching that our President, Dr. Neal Moser, was asked to speak to several groups from the Mine Safety and Health Administration (MSHA) as an expert voice on COVID–19. Dozens of Kentucky miners received their COVID vaccines following Dr. Moser’s presentations, and we continue to work with MSHA to encourage COVID vaccination. In March, several of our Take It From Me videos were even shown during the 2022 KHSAA Sweet Sixteen basketball tournament in Rupp Arena, reaching an important and captive audience.

Dr. Moser also introduced and spearheaded a wildly successful public health campaign on lung health, “Breathe Better Kentucky.” The year–long, multimedia effort has been funded through a grant from the Anthem Foundation and encourages Kentuckians to speak to their physician and take simple steps to improve their overall lung health. The centerpiece of the campaign included the co–sponsorship of a multi–part series on KET called *Fighting to Breathe: Lung Disease in Kentucky*. The program drew more than 50,000 viewers during its premiere and featured leading experts, researchers, and patients from across the state. Breathe Better Kentucky has also produced numerous CME opportunities for physicians, which continue to be available as enduring material through the end of this year.

KMA’s advocacy team followed an exceptional 2021 with an equally exceptional 2022 legislative session. Three KMA priority bills crossed the finish line and became law, which include an expanded lung cancer screening program, compassionate support protections for patients, and the establishment of a healthcare worker loan relief program. I’m proud of the many physicians who took the time out of their busy schedules to advocate for these important bills.

Finally, I remain extremely pleased with our membership numbers, which I am excited to share were up 3% this year. I believe this speaks to the value Kentucky physicians have found in KMA membership. I want to take this opportunity to thank the KMA Board of Directors, and in particular President Neal Moser, M.D., for their leadership and guidance. I also want to thank each of you for your membership and encourage you to read and familiarize yourself with all the successes outlined in this 2022 Annual Report to the Membership. It is because of you that we were able to accomplish all of these things as an organization and continue Caring for the Commonwealth.

John L. Roberts, M.D.
Chair, KMA Board of Trustees

Advocacy

State Legislative Advocacy

Legislators gaveled in for the 60-day session of the 2022 Kentucky General Assembly on Tuesday, January 4, and immediately began work on the state redistricting plans and the biennial budget. Despite the legislature's initial focus on these issues, hundreds of healthcare related bills were filed during the session. The Kentucky Medical Association (KMA) successfully advocated for the following three priority bills that were sent to the Governor and became law:

Lung Cancer Screening

Kentucky has the highest incidence rate of lung cancer in the United States and consistently ranks at the top of the list in lung cancer deaths. **House Bill 219**, sponsored by Rep. Kim Moser, establishes the Lung Cancer Screening Program within the Kentucky Department of Public Health and the Lung Cancer Screening Advisory Committee. The program and advisory committee will work collaboratively to increase lung cancer screening, reduce the state's morbidity and mortality from lung cancer, reduce the cost associated with the treatment of lung cancer, and raise public awareness regarding the benefits of screening. Funding for the program in the amount of \$1 million was included in the separate budget bill (House Bill 1) passed by lawmakers.

Compassionate Patient Support

Under federal law, providers must immediately make test results available to patients through apps and EHR systems or face possible fines unless the release falls under a permissible exemption outlined in the law. As a result, patients are able to view test results often before their provider sees them. **House Bill 529**, introduced by Rep. Killian Timoney, permits an exception to this rule by allowing pathology reports or radiology reports that have a reasonable likelihood of showing a finding of malignancy or tests that could reveal genetic markers to be temporarily withheld from disclosure for up to 72 hours if the provider believes the receipt of such results by the patient prior to provider counseling could cause emotional harm.

Healthcare Workforce

Physician workforce shortages have plagued our state for years. **House Bill 573**, another KMA priority sponsored by Rep. Kim Moser, establishes the Healthcare Worker Loan Relief Program. This state-based program will operate alongside the current federal loan forgiveness program (Kentucky State Loan Repayment Program) and seek to retain more healthcare providers in Kentucky and further expand the number of healthcare providers in rural under-served areas of the Commonwealth. The biennial budget allocated a total of \$4 million in funds from the American Rescue Plan Act of 2021 to help increase the number of healthcare providers receiving loan forgiveness for their education debt.

Other Bills of Interest

The Kentucky Association of Nurse Practitioners and Nurse Midwives once again proposed legislation to expand prescriptive authority for advanced practice registered nurses (APRNs). If passed, House Bill 354 would have phased out the statutory requirement for APRNs to have a collaborative agreement (CAPA-CS) with a physician in order to prescribe Schedule II through V controlled substances and would have eliminated the one-year practice requirement before APRNs may prescribe controlled substances under a CAPA-CS. While the bill did pass the House, it did not move in the Senate, thanks to the record number of KMA members expressing their concerns to legislators.

Efforts to legalize medicinal cannabis in Kentucky continued this session with the introduction of **House Bill 136**, sponsored by Rep. Jason Nemes. The bill passed off the House floor by a vote of 59-34 but once again failed to gain support in the Senate. **House Bill 604**, sponsored by Rep. Kim Moser, took a different approach to the medicinal cannabis issue by creating The Kentucky Center for Cannabis Research at the University of Kentucky to advance the study of the use of cannabis and cannabis derivatives for the treatment of certain medical conditions and diseases. The Governor used his line-item veto powers to remove language limiting the purpose of the Center to medicinal research. Despite these changes, the remaining parts of the legislation are now in effect.

House Bill 188, sponsored by Rep. Jim DuPlessis, is largely a clean-up bill for 2021 **House Bill 140** related to telehealth. Before the bill passed the Senate, KMA was able to have new language included to address the way some insurers have been misinterpreting the pay parity provisions of Kentucky's telehealth statutes. The House concurred with the changes, and the bill was signed into law. KMA will continue to monitor payer compliance with the state's payment parity laws.

On the medical liability front, Sen. Ralph Alvarado introduced **Senate Bill 142** which would give Kentucky voters the opportunity to change the state constitution and allow the Kentucky General Assembly the ability to limit noneconomic damages in civil lawsuits. Sen. Alvarado has filed this legislation before, and after years of fighting for liability reforms in the upper chamber, he gained a partner in the House of Representatives. Rep. Josh Bray introduced **House Bill 455**, a companion bill to **Senate Bill 142**, so that the need for tort reform could receive equal discussion and debate in the lower chamber. Neither bill passed their respective chamber. Nevertheless, medical liability reform will remain a major legislative initiative for the Association and its members.

Members are encouraged to review the full [KMA 2022 Advocacy in Action Achievement Report](#), which outlines each of the bills that passed, along with additional healthcare-related legislation.

Advocacy

Advocacy in Action: KMA Physicians' Day at the Capitol

After hosting a virtual "Advocacy in Action Month" in 2021 due to the ongoing COVID-19 pandemic, the annual KMA Physicians' Day at the Capitol (PDAC) event returned to Frankfort this year with some modifications to the schedule to ensure the safety of legislators and attendees. The event kicked off on February 2 with a virtual legislative briefing followed by a Question-and-Answer session with KMA lobbyists. On February 9, physicians and medical students gathered at the Capitol to meet with legislators and advocate on KMA priority issues. In addition to the advocacy efforts at PDAC, KMA members testified at committee hearings, held in-person and virtual meetings with legislators, and sent hundreds of messages through the KMA Action Center. The successes of the 2022 session could not have been achieved without the collective efforts of engaged and informed member advocates. KMA extends its appreciation to members for advancing the priorities of physicians and patients across the Commonwealth and for working to move healthcare forward in Kentucky.



Policy & Regulatory Advocacy

The Technical Advisory Committee on Physician Services for Medicaid (PTAC) continued its work this year of seeking to reduce administrative burden for physicians serving the Medicaid population; improving Medicaid reimbursement for physician services; and strengthening the Kentucky telehealth program for the Medicaid population.

In accordance with the resolution which was passed at the 2021 KMA Annual Meeting, the PTAC has advocated for the elimination of Medicaid reimbursement limits for Evaluation and Management (E&M) office visits with a Current Procedural Terminology (CPT®) code of 99214 or 99215 in order to increase access to high-level care for Medicaid patients, promote accurate coding and documentation for all E&M office visits, and ensure physician reimbursement appropriately reflects the level of care provided to patients. The Kentucky Department for Medicaid Services (DMS) has informed the PTAC that they are reviewing possible changes to the regulation governing Medicaid reimbursement for E&M visits, and they have opened the regulation to begin the process of amending it. KMA will continue to engage with DMS as it moves forward on this issue.

KMA continues to be heavily involved in the conversation around telehealth, both through the PTAC and the Kentucky Telehealth Steering Committee. KMA has provided input to DMS on ways to ensure equity in telehealth delivery. The PTAC has also encouraged DMS to work with physicians across the Commonwealth to move more chronic disease care online through telemedicine. KMA continues to review updates to the state's telehealth regulations to ensure coverage and reimbursement for these services are in alignment with Kentucky's payment parity statutes.

Soda Tax

At the 2021 House of Delegates, a resolution proposing a statewide soda tax on soft drink manufacturers and distributors was referred to the Board of Trustees for Action. Upon reviewing the relevant policy research on this issue, the Board does not recommend moving forward with supporting a soda tax at this time.

KMA Legal Trust Fund

The KMA Legal Trust Fund, supported solely by member contributions, is utilized to litigate on behalf of physicians before state and federal courts.

In 2021, the Kentucky Supreme Court heard oral arguments in the case *Charmin Watson v. Landmark Urology, P.S.C.*, which presented the question of whether a signed informed consent document sufficiently demonstrated that the plaintiff gave informed consent for a surgery. KMA and the AMA Litigation Center joined together on an amicus brief to the Supreme Court arguing in favor of the physician's position that informed consent was properly obtained. The state's highest court agreed with the KMA and AMA position and unanimously affirmed the trial court and Court of Appeals ruling in this case dismissing plaintiff's informed consent claim.

KMA and the AMA Litigation Center teamed up again on an amicus brief in *Schwab v. Revindra*. Like the *Watson* case, *Schwab* also involved a patient's claim that a signed consent form did not establish informed consent. Once again, the Kentucky Supreme Court agreed with KMA and AMA and found in favor of the physician by holding that the informed consent utilized in relation to a clinical trial complied with Kentucky law and federal regulations.

On the federal level, KMA signed on to two separate amicus briefs submitted by The Physicians Advocacy Institute (PAI) in support of lawsuits filed by the Texas Medical Association and the AMA/American Hospital Association (AHA), respectively. Each suit alleged that the federal agencies responsible for implementing the No Surprises Act, which went into effect on Jan. 1, 2022, failed to follow clear direction from Congress on how arbiters should resolve surprise medical billing disputes between physicians and insurers under the law. While a decision in the AMA/AHA case is still pending, a federal judge in Texas ruled in favor of TMA, saying the Department for Health and Human Services (HHS) did not adhere to federal law when it crafted the surprise-billing arbitration process between providers and health insurers. HHS has decided to appeal the decision while simultaneously exploring ways to rewrite the controversial parts.

Education

KMA Annual Meeting



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

The 2021 KMA Annual Meeting was held in an entirely virtual format. The theme of the meeting was “Better Together: Transforming the Landscape of Care.” Five virtual educational opportunities were offered to members on topics that included physician well-being, human resources considerations, nutrition and culinary medicine, telehealth, and status of COVID-19 in Kentucky. Each session averaged over one hundred participants and was made available to members as enduring material following the initial offering. The Reference Committee hearing and the KMA House of Delegates were also live-streamed. More than 250 physicians participated in education sessions, elections, and the Association’s first virtual policy-making House of Delegates meeting.

Virtual Education

Due to the overwhelming success of virtual education over the last two years, the KMA CME Committee and Council supported the continued development of virtual educational programming for members. Content included timely updates related to COVID-19, information on the federal Paycheck Protection Program (PPP) loans, and telemedicine considerations. Member participation was high in both the virtual live and enduring materials formats. Recognizing this as an opportunity to provide a convenient and tangible member benefit that supports licensure requirements, KMA continues to explore additional opportunities to provide educational offerings in a virtual setting.

CME Accreditation

KMA accredits 18 organizations throughout the state to provide continuing medical education (CME). To help providers maintain compliance in accreditation requirements and policies, KMA provides key resources, training, and ongoing monitoring of programs. In anticipation to changes by the Accreditation Council for Continuing Medical Education (ACCME) for rules surrounding the influence of commercial interests in accredited education, the CME Committee and Council provided virtual Zoom meetings, webinars, and toolkits to support providers with this transition. Subsequently, all accredited providers submitted documentation demonstrating successful transition and implementation of the ACCME’s new requirements to date. Due to the ongoing effects of the pandemic, the annual KMA CME Coordinator Conference was offered virtually to KMA accredited providers. Keynote speakers from the ACCME presented on accreditation criteria surrounding the inclusion of patients in education, innovation in CME, and adoption of the commercial support standards. CME providers and KMA staff

provided additional sessions relating to outcomes measurement, demonstration of the value of CME to the C-suite, and successful development of online programming. KMA also continues to participate in a state medical society collaboration which provides grant funding to state medical societies for the promotion of various virtual education sessions for members.

Joint Providership

Joint providership allows non-accredited organizations the opportunity to be approved by KMA to provide CME to local audiences. Working with organizations across the state, KMA has formed strategic partnerships with various healthcare organizations, while generating non-dues revenue for the Association. KMA’s joint providership offerings have continued to grow over the last year and have included education on physician wellness, oncology, gastroenterology, and orthopaedic clinical updates. In 2022, KMA entered into a one-year contract to provide CME for twelve recurring activities. This partnership allows KMA to reach a large number of physicians across the state and advances the Association’s goal of continued outreach to health systems and their providers.



Public Health

KMA and the Kentucky Foundation for Medical Care (KFMC) continued working to educate Kentuckians on important public health issues throughout 2021 and 2022.

Take It From Me



take it from me.

Efforts to encourage COVID-19 vaccination persisted through the “Take It From Me” campaign. KMA, the KFMC, the Foundation for a Healthy Kentucky, the Kentucky Primary Care Association, and the Kentucky Hospital Association launched this initiative in early 2021, and the campaign continued to be modified to reflect the most current guidance regarding the vaccines throughout the year.

In the fall of 2021, an updated series of 18 new public service announcements were released that included KMA President-Elect Monalisa Tailor, M.D., and KPLI graduates Mark Brockman, Jr., M.D., and Christopher Jones, M.D., as well as a nurse and a recovered COVID-19 patient. The new spots addressed the surge created by the Delta variant and the challenges providers have faced treating patients with COVID-19. Patient Ethan Koehler also told his story of skepticism regarding the vaccine before he got sick, how the virus impacted his life, and why he’s now an outspoken proponent of vaccination.

The videos were shared statewide and specifically targeted in Kentucky counties with the lowest vaccination rates. Combined they garnered more than one million impressions through social media and streaming services, bringing the total number of impressions from the “Take It From Me” campaign to more than three million.

In late 2021, several additional spots were produced featuring KPLI graduate and pediatrician Pat Purcell, M.D., who specifically addressed the COVID-19 vaccine for children ages 5–11. The impact of the “Take It From Me” campaign was also far-reaching, as KMA President Neal Moser, M.D., was invited to speak to several groups by the Mine Safety and Health Administration (MSHA) regarding the safety and efficacy of the COVID-19 vaccine. Following his presentations, more than two dozen attendees received either their first, second, or booster shots at on-site vaccination clinics hosted by the organization. KMA has been asked to continue to work with MSHA as an expert voice in their efforts to vaccinate more of the mining community from COVID-19.

In addition, through a partnership with the Kentucky Department for Public Health, clips from the campaign were shown in Rupp Arena during the 2022 KHSAA State Basketball Tournament in March.

Breathe Better Kentucky



Breathe Better Kentucky

In October, KMA and the KFMC, through a grant from the Anthem Foundation, launched the “Breathe Better Kentucky” campaign focused on improving overall lung health across the state. Led by KMA President and pulmonologist Neal Moser, M.D., “Breathe Better Kentucky” seeks to educate all Kentuckians—with a particular emphasis on the African American, Hispanic, and rural communities of the state—on lung health issues and encourages visiting with a physician to discuss specific concerns.

The campaign’s numerous elements included a dedicated website with resources, media interviews, social media, and streaming service ads, which reached more than 180,000 Kentuckians. In addition, Dr. Moser appeared on an episode of *Kentucky Health* on KET with Wayne Tuckson, M.D., to discuss lung health issues.

KMA also offered a three-part virtual CME series, “The State of Lung Cancer in Kentucky,” which brought together experts from around the country and across the state to discuss emerging treatments, dispel myths, and talk about disparities in lung cancer. More than 170 physicians took part, and the material is being offered as enduring CME on KMA’s website.

The centerpiece of the “Breathe Better Kentucky” initiative included co-sponsorship of a multi-episode series on KET, *Fighting to Breathe: Lung Disease in Kentucky*. The program, which premiered in February 2022, examined the under told story of lung disease in Kentucky—the causes, the impact on those afflicted, and the exciting new developments in treatment and prevention. Hosts Renee Shaw and Wayne Tuckson, M.D., spoke with researchers, experts, advocates, and survivors who revealed eye-opening information designed to increase attention to the prevalence and causes of lung disease in the state. A number of KMA member physicians appeared in the series, and initial viewership estimates totaled more than 50,000, with thousands more watching the series online and through streaming services. Six segments from the series will also be placed on PBS Learning Media, a free online repository providing curated materials for teachers K–12. More than one million teachers have access to this content.

FIGHTING TO BREATHE

LUNG DISEASE IN KENTUCKY

Leadership

Kentucky Physicians Leadership Institute



In 2021, the Kentucky Physicians Leadership Institute returned to an in-person format with a full cohort of diverse physicians from around the state. The program also added a fourth session with curriculum focused on effective communications, including information on how to protect and build an online presence, adapting to delivering care through telehealth, creation of a powerful and

succinct elevator speech, and use of social media to advocate and educate legislators and the public on healthcare related issues.

In response to the positive feedback received from past graduates, KMA launched “Beyond the KPLI” as an extension of the Institute to offer graduates the opportunity to continue their leadership development through additional educational activities. In 2022, graduates participated in a “Crucial Conversations” webinar with Butler University faculty and a “Leadership in the Spotlight” interactive session with Kentucky Public Health Commissioner Steven Stack, M.D., which focused on leadership during challenging times.

Made possible through the generous support of KMA’s charitable arm, the Kentucky Foundation for Medical Care, the KPLI continues to be an extraordinarily successful initiative of the Association. Now in its sixth year, the success of the program can be measured by the ongoing participation and growth of its graduates. Over 90% of participants have gone on to experience new professional opportunities and serve as ambassadors of the Association’s public health and advocacy initiatives.



Medical Student Outreach and Leadership Program

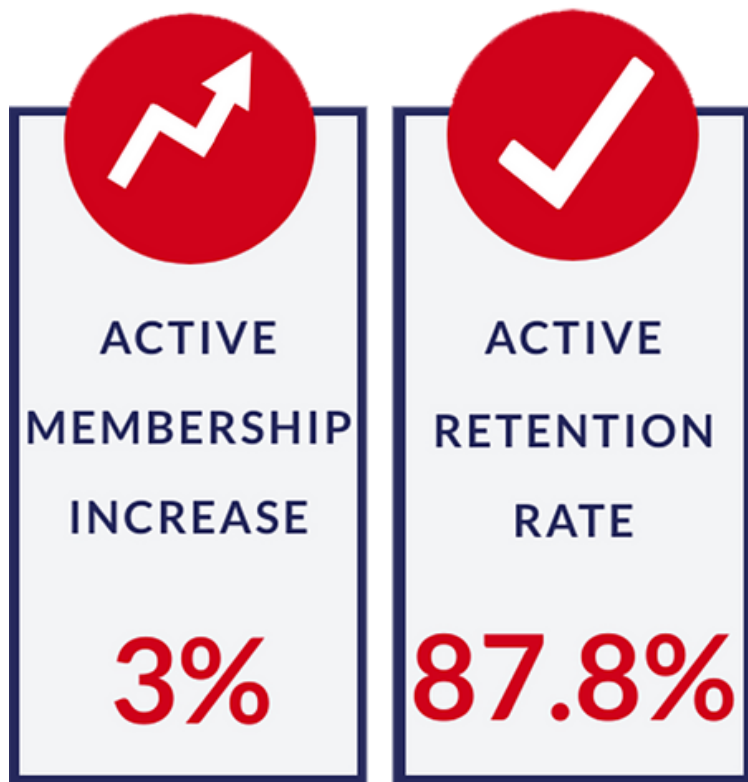


Designed to engage students early in organized medicine, the Medical Student Outreach and Leadership (MSOL) Program creates future physician leaders through educational sessions and community involvement. Now in its seventh year, the program includes six campuses—the University of Louisville, the Kentucky College of Osteopathic Medicine and the University of Kentucky’s Lexington, Northern Kentucky, Morehead, and Bowling Green campuses. The program continues to offer all sessions virtually to accommodate students from each campus and make it easier to participate. This year’s class of 87 graduates brings the total number of MSOL graduates to 520. The MSOL program is funded by the Kentucky Foundation for Medical Care.



Administration

Membership



For the third year in a row, KMA experienced growth in Active membership with a 3% increase over last year led by the rural areas of the state, which saw a 7% increase. The Association also achieved an impressive 87.8% membership retention rate and gained 524 new and rejoin members. Other membership categories also saw an overall increase of 2% over last year. While students and residents showed the highest growth rate among non-Active members, KMA also saw a rise in the number of Active physicians retiring and moving into Life membership.

Budget

KMA has seen a decrease in expenses for the second year in a row due to the pandemic's limitation on in-person meetings. Expenses are predicted to increase in the coming year as KMA anticipates an in-person Annual Meeting and other events. For the remainder of 2022 and calendar year 2023, KMA will transition its budget cycle from a fiscal year to a calendar year to better align with the membership dues cycle. While this should make it easier in coming years to review income as it occurs, the next few years will be somewhat difficult to compare to previous years as income and expenses become aligned to a calendar year. However, the coming year is an appropriate time to make such a change as the organization continues to be in excellent financial condition. The stewardship of the financials is also in good hands as evidenced by KMA Budget Chair David Bensema, M.D., also serving as Chair of the AMA committee that oversees that organization's budget and fiscal matters. In addition, KMA Director of Finance Jenny Parks was recently recognized by Louisville Business First with a "Best in Finance Award" for professionals in the Louisville area.

KMA Constitution and Bylaws

Over the past year, the Long Range Planning Commission, chaired by Evelyn Jones, M.D., met and thoroughly reviewed the organization's Constitution and Bylaws, with a goal to modernize and update them to comport with modern business practices. This was not an easy task since the bylaws were last overhauled nearly 70 years ago, with the last substantial changes taking place nearly 10 years ago. A number of changes were recommended based on the commission's review, and the KMA Board of Trustees will present those changes to the House of Delegates at the 2022 Annual Meeting. One change to the KMA Constitution was recommended, which would divide the current Secretary-Treasurer position into two positions. This change will be presented to the House of Delegates at the 2022 Annual Meeting; however, per the rules for constitutional amendments, no final action can be taken by the House on the resolution until 2023.

Delegation to the American Medical Association

In order to protect the health and safety of its members, the American Medical Association continued with a virtual platform for its 2021 Interim Meeting, which was limited to special priority business of the House of Delegates. The KMA Delegation successfully participated in the virtual meetings, providing testimony in reference committees and in House of Delegates deliberations. For the 2022 Annual Meeting, the AMA returned to an in-person meeting in Chicago with full representation by the Kentucky delegation. The Commonwealth is well represented at the national level with various members of the Kentucky delegation serving in key leadership positions within the AMA. Delegation member and KMA Past President, David Bensema, M.D., served as Chair of Reference Committee F, which deals with the financial considerations of the organization, and KMA Past President Donald Swikert, M.D., served as a member of the Rules Committee. Bruce Scott, M.D., also a KMA Past President, was re-elected to the position of Speaker of the House of Delegates of the AMA and announced his candidacy for AMA President-Elect in 2023. The delegation appreciates the work of Dr. Scott, the AMA Vice Speaker, and the AMA staff who spent hundreds of hours planning and executing the Interim virtual meeting in November as well as ensuring the health and safety of members during the in-person Annual Meeting in June.

