

2021 KMA HOUSE OF DELEGATES – ACTION PLAN

REPORT ON SUNSETTING POLICY – All Policies Reaffirmed

- Report filed

2021-1: BYLAWS AMENDMENT TO INCREASE MEDICAL STUDENT DELEGATE REPRESENTATION

(UK and UofL College of Medicine) – Adopted

KMA bylaws be amended to increase the student delegate representation.

- Bylaws amended

2021-2: BYLAWS AMENDMENT TO MAKE LANGUAGE GENDER NEUTRAL

(UK College of Medicine) – Adopted

KMA bylaws language be amended to be more gender neutral.

- Bylaws amended

2021-3: CHANGES AND PROGRAMS TO PROMOTE EQUITY, INCLUSIVENESS, AND PHYSICIAN LEADERSHIP

(KMA Board of Trustees) – Adopted

A: KMA study possible organizational changes to make the Association more inclusive of all physicians regardless of demographics, location, or practice setting.

- Added to Policy Manual
- Long Range Planning Commission proposing bylaw and constitutional changes

B: KMA review lessons learned from the pandemic to enhance physician leadership skills in order to address and/or avoid future public health challenges.

- Added to Policy Manual
- Referred to Long Range Planning Commission
- Additional CME being offered through KPLI and the new CME Guarantee

C: KMA review lessons learned from the pandemic to enhance and focus KMA programs directed at the public, with a special emphasis on applying the success of reaching disparate populations, in order to improve public health for all Kentucky citizens and eliminate health inequities across the state.

- Added to Policy Manual
- Referred to Long Range Planning Commission
- KMA Budget Committee to discuss possible changes
- Current public health campaigns, including *Breathe Better Kentucky*, to have emphasis on disparate populations
- Continuing Medical Education to include disparities and inequities

2021-4: ACTUALIZING HEALTH EQUITY THROUGH PATIENT CARE, RESEARCH, AND MEDICAL EDUCATION

(UofL and UK College of Medicine) – Adopted as Amended

A: KMA acknowledges that biases exist in the practice of medicine which can lead to inequities in healthcare.

- Added to Policy Manual

B: KMA amend the Equality Act policy adopted in 2019 to read "KMA opposes unjust treatment on any basis (e.g., race, ethnicity, religion, national origin, disability, education, socioeconomic factors, sex, sexual orientation, and gender identity)."

- Updated Policy Manual

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C: KMA amend the Equality and Fairness in Delivery of Medical Care policy last changed in 2019 to read "Unjust treatment and disparities in the delivery and rendering of medical care, are unjustifiable and must be eliminated. Physicians should examine their practices to ensure that prejudices and biases do not inadvertently affect clinical judgment in medical care. KMA supports the position that resources for medical research should be distributed in a manner, which promotes health equity of all individuals to the greatest extent possible."

- Updated Policy Manual

D: KMA supports research that explores patient, student, physician, staff, or healthcare leadership perspectives on ways to improve access to equitable care for all individuals in the Commonwealth of Kentucky."

- Added to Policy Manual
- Public health campaign, *Breathe Better Kentucky*, to incorporate continuing medical education that will include ways to improve access to equitable care
- KMA working with the Foundation for a Healthy Kentucky

E: KMA encourages Kentucky medical schools and training programs to consider implementation of anti-racism programs, practices, and curriculum.

- Added to Policy Manual
- Continuing medical education on trauma informed care is being developed with the medical schools and will include disparities and health equity

2021-5: SUPPORT FOR EDUCATION AND AWARENESS OF SUDDEN INFANT DEATH SYNDROME

(UK College of Medicine) – Adopted as Amended

KMA supports promoting awareness and educating parents and/or caregivers, health care professionals, and childcare professionals regarding safe practices to reduce Sudden Infant Death Syndrome by eliminating the risk factors associated.

- Added to Policy Manual
- Social media posts during October which is National SIDS Awareness month

2021-6: SUPPORT FOR ISSUING NICKEL ALLERGEN ADVISORY AND LIMITING THE QUANTITY OF NICKEL IN PRODUCTS WITH PROLONGED SKIN CONTACT (UK College of Medicine) – Adopted as Amended

KMA encourages promoting education and awareness about the medical implications of prolonged skin contact with nickel-containing products and the subsequent delayed hypersensitivity reaction that remains lifelong after initial sensitization.

- Added to Policy Manual
- Social media posts during November which is National Skin Cancer Awareness month – possibly tie in skin allergens

2021-7: SUPPORT FOR PROMOTING FREQUENT SKIN EXAMINATIONS FOR EARLY DETECTION OF SKIN CANCER

(UK College of Medicine) – Adopted as Amended

In an effort to detect skin cancer in the early stages, the KMA encourages physicians to follow their specialty's standards of acceptable and prevailing medical practice when performing skin examinations and educating patients regarding monthly skin self-examinations.

- Added to Policy Manual
- Social media posts during November which is National Skin Cancer Awareness month

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2021-8: PREVENTION AND TREATMENT OF OBESITY IN THE COMMONWEALTH OF KENTUCKY

(GLMS) – Adopted as Amended

A: KMA work with other organizations and government agencies to develop a public campaign targeted to prevent obesity.

- Added to Policy Manual
- Obesity is a part of the KMA's *AIM Initiative*
- Work with the Foundation for a Healthy Kentucky
- Work with other organizations on a possible future public health campaign
- Exploring policy initiatives with legislators interested in addressing state's obesity issue

B: KMA promote evidence-based guidelines regarding the treatment of obesity.

- Added to Policy Manual
- Obesity is a part of the KMA's *AIM Initiative*

2021-9: COMPREHENSIVE TRAUMA-INFORMED CARE PRACTICES

(UofL College of Medicine) – Adopted as Amended

A: KMA supports educating physicians regarding the importance of trauma-informed care in the treatment of victims of physical and psychologic trauma, including but not limited to the COVID-19 pandemic.

- Added to Policy Manual
- 11/01/21- Beginning CME planning. Working with authors of resolution.

B: KMA supports the use of evidence-based trauma-informed care and safety practices in health care settings.

- Added to Policy Manual
- Continuing medical education is being developed with the medical schools on trauma informed care, targeted for January or February 2022

2021-10: KENTUCKY BOARD OF MEDICAL LICENSURE (KBML) OFFICERS AND PANEL CHAIRS RESTRICTED TO PHYSICIAN KBML MEMBERS (LMS) – Adopted as Amended

KMA work with the Kentucky Board of Medical Licensure (KBML) to ensure that KBML officers and panel chairs be limited to MDs and DOs.

- Added to Policy Manual
- KMA shared resolution with KBML

2021-11: RECOGNITION OF EFFORTS DURING THE COVID-19 PANDEMIC

(Donald R. Wilson, MD, FACOG) – Adopted as Amended

KMA hereby expresses to the many elected officials, public health officials, and healthcare providers a sentiment of profound appreciation for the actions they have taken during the COVID-19 pandemic to protect the health and well-being of the Commonwealth and its citizens in the face of such an historic challenge.

- Topic of a President's page
- Thank you page in KMA's *For the Record* to acknowledge the efforts of elected officials, public health officials, and healthcare providers during the COVID-19 pandemic

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2021-12: ADOPTION OF A “CLEAR AND CONVINCING” STANDARD OF PROOF IN MEDICAL LIABILITY CASES

(NKMS) – Adopted

A: KMA reaffirm current policy in support of the application of a “clear and convincing” standard of proof in medical liability cases to help stabilize medical liability insurance premiums.

- Policy reaffirmed

B: KMA support the American Medical Association’s principles of increased liability protections for physicians who adhere to evidence-based medical guidelines, including the application of a “clear and convincing” evidentiary standard in such cases.

- Added to Policy Manual

C: KMA work with the Partnership for Commonsense Justice, a coalition of business and healthcare organizations concerned about Kentucky’s liability climate, in advocating for tort reform, including increased evidentiary standards, before the legislative and judicial branches of state government.

- Added to Policy Manual
- KMA to work with Partnership for Commonsense Justice
- KMA teamed up with the AMA to submit amicus briefs on cases before the state Supreme Court defending against increased liability exposure for physicians and decreased evidentiary standards for plaintiffs in medical malpractice cases

2021-13: PROMOTION OF PHYSICIAN WELL-BEING

(Shawn C. Jones, MD) – Adopted

A: KMA support state and federal legislation that allocates sufficient financial resources for the education, training, development, recruitment, and retention of physicians to meet the medical needs of Kentucky’s population, especially citizens who reside in underserved areas.

- Added to Policy Manual
- Possible legislation being developed for the 2022 General Assembly
- KMA meeting with other groups on the issue
- KMA participating on a KHA workforce task force
- KMA successfully advocated for passage of HB573, legislation establishing state-based loan forgiveness program for health care providers willing to practice in underserved areas

B: KMA continue to promote wellness programs, such as the KMA’s Be Well Stay Well Physician Health Program, that assist physicians in the management of physical, emotional, and psychological impacts associated with career fatigue, burnout, and other behavioral health issues.

- Added to Policy Manual
- Possible legislation being developed for the 2022 General Assembly
- Continue to promote KMA’s *Be Well Stay Well Physician Health Program*
 - Promotion included in October and November renewal mailings
 - Promotion included in November nonmember mailing
 - Physicians continuing to take advantage of this opportunity

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C: KMA support state legislation that ensures strict confidentiality of a physician's participation in a wellness program that is designed to address issues related to physician career fatigue, burnout, and other behavioral health issues.

- Added to Policy Manual
- Possible legislation being developed for the 2022 General Assembly; legislation deferred until 2023 in order to reach consensus with affected stakeholders, e.g. KHA and KBML
- KMA meeting with other groups on the issue

2021-14: SUPPORT FOR EXPUNGEMENT OF CRIMINAL RECORDS

(UK and UofL College of Medicine) – Adopted as Amended

A: KMA recognizes criminal records as a negative determinant of health.

- Added to Policy Manual

B: KMA support removing socioeconomic barriers from the process of expunging criminal records.

- Added to Policy Manual

2021-15: SUPPORT FOR REMOVING FINANCIAL BARRIERS TO LIVING ORGAN DONATION

(UK and UofL College of Medicine) – Adopted as Amended

KMA supports removing financial barriers to organ donation and making organ donation financially neutral through methods including, but not limited to, paid leave and tax credits.

- Added to Policy Manual
- Possible legislation being developed for the 2022 General Assembly
- KMA has supported past legislation related to this issue and will continue to do so going forward

2021-16: ELIMINATION OF MEDICAID REIMBURSEMENT LIMITS ON COMPLEX EVALUATION AND MANAGEMENT SERVICES (KMA Board of Trustees) – Adopted

KMA advocate for state regulatory or legislative action to eliminate the 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.

- Added to Policy Manual
- Possible meeting with KMA, Representative Moser, and DMS to address issue
- Physician TAC made a recommendation to the MAC and was accepted by the MAC

2021-17: MEDICARE SUPPLEMENT PLANS AND PRE-EXISTING CONDITIONS

(Eugene Shively, MD) – Adopted

KMA support state legislation to prohibit Medicare supplement plans from denying coverage or determining premiums based on an applicant's pre-existing conditions.

- Added to Policy Manual
- Legislation introduced during 2022 legislative session

2021-18: CERTIFICATE OF NEED

(NKMS) - Adopted

KMA work with the Kentucky legislature and all interested parties to modify or eliminate the certificate of need as a requirement to build a health care facility in the Commonwealth of Kentucky.

- Added to Policy Manual

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2021-19: PERSONAL PROTECTIVE EQUIPMENT

(GLMS) – Adopted as Amended

KMA advocate the Commonwealth of Kentucky and state-based hospitals maintain a strategic personal protective equipment supply, including N-95 masks, gowns, face masks, face shields, and gloves, for use by physicians and other health care personnel to sustain statewide hospital and pre-hospital operations during a declared emergency.

- Added to Policy Manual
- State now maintains a current supply of PPE items and hospitals are required to have a 14-day PPE supply on hand

2021-20: LUNG CANCER PREVENTION BY CREATING A RESEARCH TRUST & RAISING EXCISE TAXES

(GLMS) – Adopted as Amended

A: KMA strongly support President Neal Moser, MD's focus on lung health, including lung and bronchial cancer.

- KMA to work with President Neal Moser, MD on public health campaign, *Breathe Better Kentucky*

B: KMA support legislation to establish a Kentucky Lung Health Trust that awards grants for cancer research, nicotine delivery epidemiology and environmental lung injury studies, funded by an increase on excise taxes on cigarettes and nicotine delivery agents to above the national average.

- Added to Policy Manual
- During 2022 legislative session, KMA successfully advocated for passage of HB219, legislation establishing state lung cancer screening program and advisory council with the Kentucky Department of Public Health

2021-21: MODIFIER 25

(GLMS) – Adopted

A: KMA advocates that separate services should be reimbursed appropriately and in accordance with established CPT coding conventions and guidelines, including modifier 25 and additional modifiers.

- Added to Policy Manual
- KMA continues to advocate with payers on such issues

B: KMA supports legislation to establish that public and private payers operating in the Commonwealth must follow established CPT coding and reimbursement guidelines and may not reduce or deny reimbursement for medical services based on their own metrics.

- Added to Policy Manual
- KMA continues to advocate with payers on such issues

2021-22: PRIOR AUTHORIZATION DENIALS

(GLMS) – Adopted as Amended

A: To reduce delays in patient care, the KMA reaffirms its support for regulatory and statutory requirements mandating that health plans provide timely prior authorization notification – 24-hour relating to urgent care and 5-day relating to non-urgent care - for medications, equipment and supplies, procedures, treatments, and all other health care services, including diagnostic testing and surgical services.

- Added to Policy Manual
- Legislation introduced during 2022 legislative session did not pass; however, KMA continue to promote legislation in future sessions
- KMA plans to include questions related to prior authorization challenges in a member survey
- KMA engaged the service of a professional consultant to assist with advocacy on this issue

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B: To reduce the administrative burden of prior authorization, the KMA reaffirms its support for regulatory and statutory requirements mandating that health plans – when denying prior authorization requests – provide correspondence to the requesting clinician that contains an explanation of denial and lists alternatives for the denied medications, equipment and supplies, procedures, treatments, and all other health care services, including diagnostic testing and surgical services.

- Added to Policy Manual
- Legislation introduced during 2022 legislative session did not pass; however, KMA continue to promote legislation in future sessions
- KMA plans to include questions related to prior authorization challenges in a member survey
- KMA engaged the service of a professional consultant to assist with advocacy on this issue

C: KMA engage its membership and other relevant stakeholders to gather data that can be utilized in determining the extent to which commercial health plans are in compliance with the requirements of 2019 Senate Bill 54, a legislative enactment relating to prior authorizations, and based on such information, communicate the Association's concerns regarding the implementation of 2019 Senate Bill 54 to the appropriate state agency.

- Added to Policy Manual
- Legislation introduced during 2022 legislative session did not pass; however, KMA continue to promote legislation in future sessions
- KMA plans to include questions related to prior authorization challenges in a member survey
- KMA engaged the service of a professional consultant to assist with advocacy on this issue

2021-23: ADVOCACY FOR ALL HEALTH PLANS TO PROVIDE CHRONIC CARE MANAGEMENT SERVICES WITHOUT CO-PAY FOR THEIR INSURED PATIENTS (GLMS) – Adopted as Amended

KMA supports the elimination of all cost sharing requirements for Chronic Care Management services.

- Added to Policy Manual

2021-24: HEALTHCARE ACCESS FOR ALL

(GLMS) – Adopted as Amended

KMA express its support for universal access to comprehensive, affordable, high-quality health care.

- Added to Policy Manual

2021-25: SODA TAX

(GLMS) – Referred to the Board of Trustees for Action

KMA support a soda tax imposed upon soft drink manufacturers and distributors in which a “Medicaid Trust Fund” would be created to receive all proceeds.

- Research has been conducted outlining what other states and localities have done on this issue and will be provided to the Board
- After discussion, the Board voted to amend the Annual Report to reflect that based on the research presented, the Board does not recommend moving forward with proposing a soda tax at this time.

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2021-26: REFUSAL OF LICENSED VACCINES

(Michael Kuduk, MD) – Adopted

A: KMA shall continue to oppose legislation which would create a protected legal status or civil right for unvaccinated individuals.

- Added to Policy Manual
- KMA successfully defended against the passage of multiple pieces of legislation establishing new vaccination exemptions and greater employee rights regarding immunization disclosure to employers

B: KMA shall continue to oppose legislation which permits refusal of licensed vaccines solely on the basis of conscientious objection or conscientiously held beliefs.

- Added to Policy Manual
- KMA successfully defended against the passage of multiple pieces of legislation establishing new vaccination exemptions and greater employee rights regarding immunization disclosure to employers

2021-27: MEMORIAL TO NAREN JAMES, MD

(KMA Board of Trustees) – Adopted

A: KMA House of Delegates honors the memory of Doctor Naren James and expresses its deepest sympathy to his wife, Mrs. Hannah James, daughter, Ms. Alicia Shanti James, extended family, friends, and colleagues.

B: In gratitude for Doctor James' contributions and extraordinary service to his patients, profession, and state, a copy of this resolution be presented to the family of Naren James, MD, and that this resolution be made a permanent part of the records of this Association.

- Resolution filed

2021-28: MEMORIAL TO TRUMAN PERRY, MD

(KMA Board of Trustees) – Adopted

A: KMA House of Delegates honors the memory of Doctor Truman Perry and expresses its deepest sympathy to his children, Ryan and Megan Perry; sister, Lisa Perry; girlfriend, Dawn Sizemore; stepdaughter, Kayla Cox; grandchildren, Peyton and Emma; and extended family, friends, and colleagues.

B: In gratitude for Doctor Truman Perry's contributions and extraordinary service to his patients, profession, country, and state, a copy of this resolution be presented to the family of Truman Perry, MD, and that this resolution be made a permanent part of the records of this Association.

- Resolution filed