



Topline

Newsletter of the Tennessee Medical Association

Issue

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NAM Celebrates Bicentennial Anniversary

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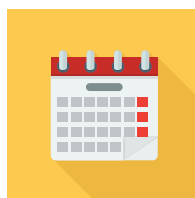
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Dr. John B. Dorian

We remember the life of our former TMA president who passed away in July at age 95.

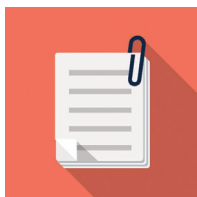
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Tennessee Healthcare Symposium

The third annual event will be held virtually November 2 – 4, 2021.

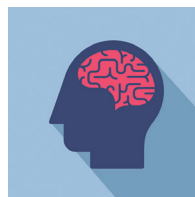
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We congratulate the 34 physicians who completed the programs.

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FROM the PRESIDENT

With the recent passing of Dr. John Dorian, it gave me pause to think about legacy and leadership. John was our TMA president in 1978 and as our senior past president, he chaired the past presidents' breakfast each year at our TMA Annual Meeting. His commitment to staying active and involved should inspire us all. John's legacy was the founding of our Tennessee Medical Foundation in 1978. His vision, leadership and action has saved literally thousands of our colleagues over the years.

All because of TMA.

Some of you will remember that in the 1970s we had a medical liability insurance crisis where all the medical malpractice companies pulled out of the market. What did our TMA do? TMA member physicians rallied together and started SVMIC. Outside voices mocked our TMA's efforts at the time, saying "Physicians can't start their own insurance company... HA! That'll never succeed." Today our SVMIC is the premium provider of medical malpractice insurance in the southeast! And SVMIC is a strong supporter of our TMA.

In the 1980s, our TMA was the first to really highlight the need for medicine to be more involved with and supportive of our patients who are victims of domestic violence. In the 1990s, we took the largest health insurers to task over claims payment practices that were harming our patients and our physicians. This led to the creation of the Physicians Foundation, which today supports our TMA John Ingram Institute for Physician Leadership.

All because of TMA.

Back in 2002, our TMA began a campaign for true tort reform in Tennessee. Again, many on the outside criticized our efforts as a waste of time. But in 2008, tort reform passed the Tennessee General Assembly and in 2009, our TMA successfully added more provisions which lessened the number of medical liability cases.

In 2010, we saw the opioid crisis unfolding, long before the headlines. We knew that physicians were going to be accused of being a reason for the problem and we elected to start our statewide education effort and CME requirements.

All because of TMA.

And just this past year, we have seen a world-wide pandemic besiege our patients, our profession, our nation and our world. Tumultuous times call for bold leadership, but this has been a difficult time to sort out what is truth and what is just opinion.

We ARE medicine in Tennessee, founded to speak out for good medicine, provided in the best interests of our patients. Our voice, our counsel and our professionalism are greatly respected. Sometimes that does not seem to be the case, and it helps to take time to look back and remember not just who our TMA is, but also what our TMA has accomplished. Going forward, we must maintain our focus and resolve, and... keep on leading.



Ronald Kirkland, MD | 2021-2022 President



Dr. John B. Dorian, Former TMA President, Passes Away at Age 95

Dr. John B. Dorian passed away on July 2, 2021 at age 95. Dorian was the 90th president of the Tennessee Medical Association, serving from May 1978 to 1979. Before his time as president, Dorian held many leadership roles at TMA, including the IMPACT chair and a member of the Board of Trustees.

Outside of TMA, he was president of the Memphis/Shelby County Medical Society, and he was appointed to several positions with the American Medical Association. Dorian was named Family Practitioner of the Year by the Tennessee Academy of Family Physicians in 1972. He was also instrumental in the formation of SVMIC and an active participant in the Memphis medical community.

In 1977 he attended an AMA presentation on the impact of impairment on the medical profession, which inspired him to establish the Impaired Physician's Committee, the precursor to the TMF. He considered this one of his proudest accomplishments.

"It tackled a grave, grave problem in our profession," he said in the Spring 2014 issue of TMF's newsletter, *Physicians Health*. Dorian lauded the work of the PHP and its many volunteers. "It boggles the mind and instills a sense of pride and to me is a wonderful example of a professional who cares," he added.

A Memphis native, Dorian served with Gen. George Patton's 3rd Army before he received his medical degree from the University of Tennessee College of Medicine in 1952. He founded Frayser Clinic in 1957 and practiced there for 30 years as a family physician. He later served as assistant professor in the Family Practice Residency Program at UTHSC-Memphis.

Cover Photo, from left to right: Taylor Crawford, MPH (NAM); M. Kelly Smith, MBA (NAM); Ron Overfield, MD (NAM President 1982); M. Kevin Smith, MD, PhD, MMH (NAM President 2018 & TMA President 2020-2021); Nicole Schlechter, MD, PhD (NAM President 2021); Senator Jeff Yarbro; George "Trey" Lee, III, MD, MS, MBA (NAM President 2009 & TMA Vice-Speaker of the House 2022); Rebecca Leslie, MBA (NAM CEO)

Third Annual Tennessee Healthcare Symposium Registration Now Open

TMA's annual Tennessee Healthcare Symposium will take place November 2 – 4, 2021. A collaborative effort between TMA and major insurance carriers, this three-day event is designed for healthcare professionals who focus on coding, billing, compliance and auditing.

We're going virtual with a conference-like environment, complete with vendor booths and multiple industry speakers. We will feature three informational tracks: Specialty Coding, Management & Compliance, and Coding & Billing.

Karen Baird, TMA's director of insurance affairs, is the organizer of this event. "If 2020 wasn't difficult enough, 2021 has presented with its own set of challenges," Baird said. "We have listened to your feedback and are excited to offer a specialty coding track this year along with compliance and auditing sessions and payer panel discussions. Our new conference platform will allow attendees to engage with speakers, payers and exhibitors via chat or video conference.



TN HEALTHCARE SYMPOSIUM

There is an opportunity to earn up to 21 CEUs or CME over the three day event."

Early Bird pricing will run through Sept. 30; TMA members will receive a discounted price at \$149, and non-members will pay \$199. Regular pricing will occur Oct. 1 through Nov. 1; TMA members: \$199, non-members: \$249. Visit TNmed.org/symposium for more information and to register.



Is Your Practice a Ransomware Target? Sera-Brynn Can Help

Every entity that stores valuable information is a target to criminals through ransomware attacks. You may think that criminals only go after large organizations, but that is not so. Smaller businesses are prime targets because a treasure trove of valuable information (medical records, billing information, etc.) is usually stored on minimally-secure IT systems maintained by third parties.

How do I protect my practice?

Start by going to the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) web pages at cisa.gov/cyber-essentials and review their free materials. Next, contact Sera-Brynn, a cyber risk management audit and advisory firm and TMA corporate partner, for

assistance. Sera-Brynn has helped over 300 companies recover from breaches, and they recommend these steps:

- 1. Patch and Update Management:** enable automatic updates whenever possible.
- 2. Backup Data:** employ a backup solution that automatically and continuously backs up data and system configurations.
- 3. Use Multi-Factor Authentication:** require multi-factor authentication (MFA) for accessing your systems.

If you complete these initial steps, you will be well on your way to protecting your practice. For more info on Sera-Brynn, visit sera-brynn.com/welcome-tma-members or contact them at info@sera-brynn.com. TMA members get a 35% discount on their CHECKLIGHT™ service.

Nashville Academy of Medicine Celebrates Bicentennial Anniversary

Written by Rebecca Leslie, CEO of NAM

1821: The Start of Organized Medicine in TN

On March 5, 1821, seven physicians founded the first medical society in Tennessee, the Nashville Medical Society, which became the Nashville Academy of Medicine (NAM). Their goal was to establish a society for doctors who had been formally trained in medical schools and to improve the health of Middle Tennessee.

These physicians also have deep roots within the TMA. In 1830, **Dr. James Roane**, the first secretary of NAM, became the first president of the Medical Society of Tennessee, now the TMA. 79 of the 151 statewide TMA charter members were from Middle Tennessee and three of the five inaugural TMA officers were from Nashville. In addition, 46 doctors from the Nashville Academy of Medicine have served as TMA president in the past 191 years. Eight members of NAM and TMA have served as American Medical Association presidents, the most AMA presidents known to come from any city in the country.

Throughout the past 200 years, physicians of Nashville have advocated for cleaner water, safer sewers, vaccinations and improved medical treatments and surgical techniques. They fought epidemics of cholera, yellow fever, influenza and now COVID-19. They fought in many wars and led in the Civil Rights Movement, built hospitals and clinics, and taught the next generations of physicians at Vanderbilt and Meharry medical schools. Throughout it all, they have consistently recommended improvements and standards in medicine. NAM members now represent over 2,300 physicians in Middle Tennessee. The Nashville Academy of Medicine and its



companion foundation, the Medical Foundation of Nashville, have coordinated \$50 million dollars in medically-necessary specialty care for uninsured patients through its Project Access Nashville Specialty Care program.

2021: A Year of Celebrations

On March 5, **Tennessee Senator Jeff Yarbro** presented Senate Joint Resolution 0182 to **NAM's 2021 President Nicole Schlechter, MD, PhD**, on the steps of the state capitol building, (pictured above) to commend NAM's bicentennial anniversary.

On May 22, the TMA House of Delegates honored NAM's anniversary with a resolution of commendation to close their actions of the day, which was presented by **TMA Board Chair Timothy Wilson, MD**.

In July, NAM unveiled a virtual historical timeline. Visit nashvillemedicine.org/timeline to view NAM's history and the impact that physicians have made in Nashville over 200 years.

On October 2, the bicentennial celebration will culminate with a black-tie gala event benefiting the Medical Foundation of Nashville at the elegant Schermerhorn Symphony Center. Attendees will include physician and healthcare leaders throughout the state to celebrate the start of organized medicine in Tennessee. Visit nashvillemedicine.org/gala to learn more.

EHR Adoption Environmental Scan Survey Open

TennCare, Tennessee's Medicaid Agency, released an Electronic Health Record (EHR) Adoption Environmental Scan Survey in mid-August. As a Tennessee provider, you can help TennCare collect valuable information about the health information technology (HIT) landscape in the state. The survey takes approximately 5-10 minutes to complete, and will be accessible for 30 days after launch.

The EHR Provider Incentive Payment Program (PIPP) is coming to an end. The purpose of this program was to provide a financial incentive to get physicians to adopt and meaningfully using the Electronic Health Record system. As of June 30, 2021,

TennCare made 11,792 payments totaling \$165,878,438 to Eligible Professionals. CMS is requiring states to conduct an EHR Adoption Environmental Scan Provider Survey. The purpose of it is to determine the penetration and use of certified Electronic Health Record technology (CEHRT) or other EHR system throughout the state.

TennCare is looking for information from all medical providers within Tennessee, and intends to distribute the survey to all state providers with a current email address. If you did not receive an email, visit either the TennCare or TDH websites to find a link for the survey.

Physician Sexual Misconduct: A Quick, Sure Way to Lose Your License



This article was submitted by TMA member Dr. Michael Baron

Physician sexual misconduct has made national news recently due to horrific events involving physicians in Michigan and California. As outlined in the Hippocratic Oath, the fundamental relationship in health

care is between the patient and the physician. This relationship fosters the therapeutic alliance; it is the keystone to quality care, the healing process and optimal clinical outcomes. The therapeutic alliance promotes optimal outcomes; by contrast, a sexual boundary violation devastates clinical outcomes and is emotionally harmful and traumatic to the patient.

A boundary violation occurs any time the physician-patient relationship becomes about anything other than patient welfare; in many cases a physician misuses their power to exploit the patient for tangible or intangible benefit or gain. It is inappropriate for the physician to receive sexual gratification for their professional services or for any other reason.

Disparity of Power

Inherent in the physician-patient relationship is a disparity of power. The physician holds most, if not all the power: controlling the diagnosis, treatment and follow-up. When that disparity of power is used for sexual gratification, it is called physician sexual misconduct. Physician sexual misconduct exploits the physician-patient relationship and can happen irrespective of gender. Sexual behavior between a physician

and a patient is never diagnostic, therapeutic or consensual, because of the disparity of power. This behavior may be verbal, physical or emotional, can occur in person or virtually, and may include expressions of thoughts and feelings, or gestures that are of a sexual nature or may reasonably be construed as sexual.

This misconduct sometimes begins with the act of "grooming." In and of itself, grooming may not constitute sexual misconduct but is a precursor to other behaviors that will qualify, such as spending extra time with the patient, moving appointments to a time when there may be less staff or moving them offsite, or sharing health information of another patient.

At times the sexual behavior is completely initiated by the patient, usually to transform the disparity of power to get the upper hand. Once consummated, the patient can make demands under the threat of a medical board complaint. The duped physician will have significant expensive legal problems to deal with as the Board of Medical Examiners and the DEA take aim. The bottom line is the physician is always held responsible for their conduct, no matter who initiated it.

Always Unethical

The American Medical Association (AMA) considers a sexual relationship between a treating physician and a patient to be unethical; that includes treating their own spouse. If a physician wants to pursue a romantic relationship with a patient, they should first discharge the patient and document that in the chart. The American Psychiatric Association more explicitly states, "Sexual activity with a current or former patient is unethical – once a patient always a patient."

Share your thoughts with Dr. Baron at michaelb@e-tmf.org.

IN MEMORIAM

We offer our prayers and deep gratitude for all passing members. Their positive impact on their patients and profession will last forever.

John Joseph Angel, MD, age 80, of the Memphis Medical Society on May 25, 2021.

Richard Bryan Bell, MD, age 83, of the Stones River Academy of Medicine on May 24, 2021.

Maury W. Bronstein, MD, age 95, of the Memphis Medical Society on May 31, 2021.

Robert Charles Coddington, MD, age 89, of the Chattanooga-Hamilton County Medical Society on May 31, 2021.

John Bernard Dorian, MD, age 95, of the Memphis Medical Society on July 2, 2021.

Charles G. Graves, MD, age 96, of the Chattanooga-Hamilton County Medical Society on July 20, 2021.

Thomas E. Hayes, MD, age 85, of the Chattanooga-Hamilton County Medical Society on July 13, 2021.

Robert Clark Jones, MD, age 103, of the Sullivan County Medical Society on January 4, 2021.

O. L. Merritt, MD, age 91, of the Lakeway Medical Society on May 31, 2021.

Robert L. Simpson, MD, age 96, of the Upper Cumberland Medical Society on June 26, 2021.

Eugene Joseph Spiotta, Sr., MD, age 95, of the Memphis Medical Society on June 24, 2021.

Ingram Institute Wraps the 2021 Programs

The **2021 John Ingram Institute for Physician Leadership programs** wrapped at the end of July with a total of 34 new graduates. We'd like to thank each graduate for their time and attention given over the past several months.

Physicians from across the state enrolled in the **2021 Leadership Immersion class**, which included: Laura Andreson, DO; Ty Babcock, MD; Amy Gordon Bono, MD, MPH; Allan Colyar, MD; Nancy B. Davis, MD; Michael E. Engel MD; Ghino Francois, MD; Jennifer Hamm, MD; Jeff Hamre, DO; Molly Hood, MD; Meri M. Johnson, MD; Neelima Katragunta, MD; Greg Laurence, MD; Geoffrey Lifferth, MD; Dawn Linn, DO; Samantha McLerran, MD; Jacqueline Denise Milam, MD; Pamela Murray, MD; Kanthi Narra, MD; Jeffery A. Ollis, MD, FASA; Eddie Reynolds, MD; Adrian Rodriguez, MD; Amy Suppinger, MD; and Vanessa Thomas, MD.

The **2021 Leadership Lab graduates** are: Steve Alexander, MD; Marc Bennett, MD; Michelle Cochran, MD; Michael E. Engle, MD; Jeff Hamre, DO; Neelima Katragunta, MD; Dawn Linn, DO; Nancy Lipsitz, MD; Denise Milam, MD; and Nate Miller, MD.

Samantha McLerran, MD, said she greatly enjoyed her time in the program. "I have learned so much about myself both by going through the leadership lab, and then this immersion workshop," she said. "I can't wait to put the skills that I have



learned into practice and see where I will be in a year or three years or even five years. The faith that TMA puts in us as physician leaders is inspiring and heartening to know that we can help be positive changes in medicine."

The Institute offers two different programs: Leadership Immersion and Leadership Lab. The Immersion program gives physicians foundational training and skill development to excel in leadership positions within organized medicine, medical practices and healthcare organizations. The Lab program helps physicians acquire the skills needed to become quality leaders in team care settings by undertaking a course project.

These programs are made possible thanks to a generous grant provided by The Physicians Foundation, which covers approximately 80-90% of the cost of these programs. TMA is now accepting applications for the 2022 programs at TNmed.org/leadership.



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Legal Briefs

Prescription Laws

TMA's Law Guide topic, [Prescription Laws](#), is an exhaustive document that details the requirements in issuing and dispensing prescriptions, including material requirements, physician requirements, and reporting. It discusses in detail the requirements for issuing opioid prescriptions and the requirement to issue all controlled prescriptions electronically. Members can access this topic at [TNmed.org/LawGuide](https://tnmed.org/LawGuide).

Laws Effective July 1, 2021

Several laws passed by the 2021 General Assembly were effective July 1 and may be of interest to physicians. Go to [TNmed.org/NewLawsJuly](https://tnmed.org/NewLawsJuly).

Retiring Physician Manual

TMA and SVMIC offer a manual to help physicians successfully navigate retirement or closing a practice. Any physician planning to retire or close a practice should begin making plans at least 12-15 months before the last day of patient care. The manual was endorsed by the Tennessee Board of Medical Examiners, the licensing board for medical doctors in Tennessee. Go to [TNmed.org/LawGuide](https://tnmed.org/LawGuide) to download a copy of this manual.

OSHA Emergency Temporary Standard (ETS) - COVID-19 Healthcare ETS

On June 10, 2021, OSHA issued an ETS to protect healthcare workers from contracting coronavirus. This ETS is for individuals working in health care settings where suspected or confirmed COVID-19 patients are treated (nursing homes, assisted living facilities, home health workers, employees in ambulatory care settings). Compliance by employers is required within 14 days for most of the provisions and within 30 days for the remaining provisions. OSHA will use enforcement discretion to avoid citing employers who miss a deadline but are making a good faith effort to comply with the ETS. The standard may be updated to align with CDC guidelines and changes in the COVID pandemic.

Fully vaccinated employees are exempt from masking, social distancing, and barrier requirements when in well-defined areas where there is no reasonable expectation that any person with COVID or suspected of having COVID will be present. OSHA has several resources available on its website including a fact sheet, FAQs, and a flow chart at osha.gov/coronavirus/ets.



Protecting the Practice of Medicine: Why your Donation has IMPACT

Few people enjoy politics, but the ones who understand it as a necessary evil usually end up on the winning side. When it comes to making your voice heard on Capitol Hill, the age-old adage of “money talks!” is poignantly accurate.

IMPACT, the nonpartisan political action committee (PAC) established by TMA, allows physicians across the state to have a seat at the table and a voice in decisions that affect your practice. Government regulates every aspect of health care, and physicians cannot afford to take a back seat to the deep coffers of lawyers and insurance companies who seek to undermine the practice of medicine for their own self-interest.

In politics, money equals influence. As of 2016, trial lawyers contributed approximately \$250 per member to their PAC vs. \$21 per TMA member to IMPACT.

If every TMA member gave \$100, IMPACT's influence and reach would quadruple.

TMA has built a strong reputation on the Hill thanks to the tireless advocacy efforts of our members. Your contributions pay dividends and help to build and sustain relationships with pro-medicine candidates throughout Tennessee. Physician contributions help give TMA the best chance to enact or defeat controversial legislation so we need YOUR help to keep friends of medicine in the Tennessee General Assembly. Donate to IMPACT today!

Questions? Contact Erika Thomas
Erika.Thomas@tnmed.org | [TNmed.org/IMPACT](https://tnmed.org/IMPACT)



401(k) Member Retirement Plan

Did you know that you, your partners and your staff are eligible to participate in TMA's 401(k) Multiple Employer Member Retirement Plan?

Contact Kevin Rainwater

866.893.4103 | krainwater@acgwealth.com



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