



# TMA's 2013 Legislative Agenda

*Healthy Vision 2020: Caring for Patients in a Time of Change*



## **It's time to put patients before politics.**

It's time for real action. We cannot continue to procrastinate, put off making difficult decisions, or focus on issues that do little to improve the health of Texans.

As lawmakers reconvene in Austin, we must work together. Legislators, physicians, hospital systems, insurance companies, and community leaders must create a more sustainable and efficient health care system. It's incumbent on us to create and support that system.

We cannot continue the cycle of pushing health care to the most expensive settings — hospital emergency departments and in-patient care. We need to make a concerted effort to build physician-led health care teams that can meet the diverse needs of the Texas population. The right way to save money is to ensure the right professional provides the right care, at the right place, and at the right time.

## **The problems**

Texas' population is expected to boom from 25 million to almost 45 million by 2040. These numbers mean not only more people but also a greater need for health care services for a growing populace of increasingly obese Texans and the generally sicker elderly residents. When you factor in the millions of people who are uninsured or who rely on Medicaid for their health care coverage, Texas soon could be facing its own fiscal cliff.

Our growing population that is growing sicker needs more and better-coordinated health care services. Texas also needs more physicians and other health care professionals working in all parts of the state, especially in rural and border Texas.

## **The solution: TMA's Healthy Vision 2020**

We urge our state leaders to follow the recommendations of TMA's Healthy Vision 2020, outlined below, to help us care for our patients in this time of change.

Texas lawmakers have the opportunity to make real, substantive changes in 2013. Texas physicians look forward to working with them to make that happen.

Michael E. Speer, MD  
*President, Texas Medical Association*



## Ensure an adequate health care workforce

Texas — even more than most of the rest of the country — needs more physicians and other health care professionals. We need to build physician-led health care teams that can safely meet the diverse needs of the state's population. Texas needs continued and stable state support for both critical parts of a physician's education and training to help cultivate future generations of Texas physicians, ensuring stable access to health care for all Texans.

### TMA Recommendations

- Restore funding for graduate medical education and support new graduate medical education programs in the specialties that best reflect the state's health care needs.
- Reinstatement of funds to primary care residency programs and the state Physician Education Loan Repayment Program to encourage physicians to practice in rural and medically underserved communities.
- Sponsor research to identify and promote innovations in training primary care residents for practice in Texas.

## Protect the trusted patient-physician relationship

The patient-physician relationship is unique in modern American life. Patients place their lives in their physicians' hands. Not only must they trust in their doctors' knowledge, experience, and skill, but also they must trust that their physician is acting in their best interest — neither motivated nor distracted by competing interests. In return, the physician is responsible for recommending and applying the most appropriate, science-based treatments for the patient's individual circumstances and medical conditions.

### TMA Recommendations

- Support strong statutory provisions that protect independent medical judgment for physicians in all employment relationships.
- Strengthen state laws to ensure that corporate entities cannot direct medical decisions to the detriment of patient care.
- Strengthen statutory provisions to protect physicians' due process rights and prohibit retaliation for patient advocacy in all employment relationships.
- Oppose legislation that prevents physicians from having honest and candid conversations with their patients or from providing medically appropriate care.

## Provide appropriate state funding for physician services

Physicians are critical to Texas' health care system if it is to be cost-effective. Otherwise, the state's efforts to increase preventive care, improve medically necessary treatment for the chronically ill, and reduce inappropriate emergency department utilization will falter. State leaders must realize that cutting physicians' payments is not an effective tool for controlling health care costs, and often exacerbates the cost of care.

### TMA Recommendations

- Ensure Texans of all income levels have access to preventive, routine, and emergent care.
- Ensure competitive Medicaid and Children's Health Insurance Program payments for physicians.
- Restore Medicare Part B coinsurance payments for dual-eligible patients.
- Support increased funding for cost-effective, community-based mental health care and substance abuse.



### **Protect patient safety: Ensure the right professional is providing the right care permitted by his or her education, training, and skills**

The Texas Medical Practice Act was created more than 130 years ago to protect Texans from people who called themselves “doctor” but who did not have the skills, training, or education to warrant such a title. The act, administered by the Texas Medical Board, clearly defines the practice of medicine and the educational qualifications necessary to diagnose, independently prescribe, and direct patient care — and to be held accountable for that care. Now, and in the future, physicians and other professionals will practice in teams to provide comprehensive patient care. Nevertheless, these patient-focused teams must be physician-led to ensure quality, continuity, and efficiency in care.

#### **TMA Recommendations**

- Strongly oppose any efforts to expand scope of practice beyond what is safely permitted by nonphysician practitioners’ education, training, and skills.
- Support expansions of scope-of-practice laws that protect patient safety, are consistent with team care, are based on objective educational standards, and improve patient care services with appropriate regulatory oversight by the Texas Medical Board.
- Alter the site-based system of delegation and supervision of prescription privileges to provide a uniform system with adequate quality assurance provisions and flexibility.

### **Reduce red tape and regulations**

We need legislative solutions to cut through the red tape, regulations, and other unproductive elements that do nothing to improve quality and everything to interfere with doctors’ ability to practice medicine efficiently and effectively.

#### **TMA Recommendations**

- Oppose measures creating additional red tape and hassles that don’t contribute to or add value to patient care, such as:
  - Onerous billing procedures and inconsistencies across participating Medicaid HMOs, and
  - Government agency regulations and penalties that disrupt medical practices.
- Support legislation that creates user-friendly databases that could help physicians’ practices streamline and enhance routine patient intake.
- Support measures that update state agencies’ paper-based systems to automated or online systems.
- Support legislation that creates the use of standardized authorization request forms for medical services and prescription drugs that would simplify the administrative process for patients and injured workers.

### **Protect and promote a fair civil justice system**

Texas has taken no more important step to strengthen our health care delivery system than passing the 2003 medical liability reforms. That law swiftly ended an epidemic of lawsuit abuse, brought thousands of sorely needed new physicians to Texas, and encouraged the state’s shell-shocked physicians to return to caring for patients with high-risk diseases and injuries. We must protect our landmark reforms.

**TMA Recommendations**

- Protect the 2003 health care liability reforms, including caps on noneconomic damages and protections for emergency services.
- Oppose any effort that would dilute Texas' medical liability reforms or misguided proposals that would weaken the Texas Medical Board.
- Continue to support fair due process and treatment of physicians by the Texas Medical Board.
- Support enforcement of standards of care for use of "Do Not Attempt Resuscitation" (DNAR) orders. Oppose attempts to limit the use of DNAR orders that are consistent with accepted standards of medical treatment and science.
- Support legislation that would protect safe harbors for physicians who treat patients in their final days.

**Invest in prevention**

A healthy and wealthy Texas depends on a sound health care system with robust medical care and effective public health components. There is a legitimate role for limited government to play in safeguarding a sound, responsive public health infrastructure in Texas. We must invest in evidence-based wellness and public health programs that complement physician efforts to keep women and babies healthy, and reduce obesity, tobacco use, chronic disease, and cancer.

**TMA Recommendations**

- Support full funding for the Texas Women's Health Program.
- Help communities build environments that promote exercise and increase families' access to nutritious food.
- Support school-based anti-obesity efforts by increasing physical activity and health education requirements for students.
- Support legislation that would require public workplaces, venues, and restaurants to have an indoor smoke-free policy.
- Support funding for evidence-based interventions that reduce tobacco use, especially in youth, such as education in schools and the Texas Quitline.
- Streamline efforts to vaccinate people who work with high-risk populations.
- Improve access to vaccinations, including improvements in the state's Vaccines for Children Program and the adult safety net programs.

**Establish fair and transparent insurance markets for patients, employers, and physicians**

The Texas Legislature has addressed several physician concerns regarding fair contracting in the regulated insurance market. For example, Texas requires health plans to provide their payment policies on bundling and downcoding when requested by physicians to make sure their claims are paid according to their contract. However, a new tactic by payers and other third parties has arisen that attempts to access contract rates without the physician's knowledge or consent.

The lack of regulatory oversight in the preferred provider organization (PPO) industry has resulted in the proliferation of entities that are engaged in the business of buying, selling, and leasing physician agreements and contract rates to any number of payers. These entities are called "rental network PPOs" or "lease network PPOs." When the physician discount is shared without authorization or consent from the physician, the arrangement is referred to as a "silent PPO." TMA believes legislation is needed to shed light on this stealthy activity and regulate entities that engage in this practice.

**TMA Recommendations**

- Support legislation that regulates how a physician's contract information is sold, leased, or shared among entities.

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**Stay on top of the action at the state Capitol.**

Read the complete Healthy Vision 2020, TMA's strategic roadmap for the decade, at [texmed.org/advocacy](http://texmed.org/advocacy). While you're there, sign up for TMA's *Legislative News Hotline*. And be sure to read *Action* when it arrives in your inbox.

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Physicians Caring for Texans

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