



May 1, 2016

To: All TMA Member Physicians
CC: County Medical Society Staff
State Specialty Society Staff

Dear colleagues:

I can't wait any longer to say it. Thank you, thank you, thank you, to the TMA House of Delegates!

Meeting in Dallas at TexMed 2016, the house yesterday adopted policy that gives TMA the green light to fight for state legislation that will address two crucial issues for Texas physicians. The house unanimously approved:

- The TMA Board of Trustees multi-faceted plan to preserve physicians' right to bill for services provided to our patients; and
- A Harris County Medical Society proposal that would free us from the extortion of the American Board of Medical Specialties' maintenance of certification (MOC) requirements.

As chair of the TMA Council on Legislation, I am tremendously excited by these actions, and I pledge to you that your TMA leadership will follow through.

I will review each of them separately.

Preserving Physicians' Right to Bill for Services Provided

There's a national movement afoot to ban physicians from billing for services we provided to patients out-of-network. We've seen it happen in New York, Florida, Illinois, and Connecticut. We've seen the proposals coming from the Obama Administration and several presidential candidates. **We will not let it happen here in Texas.**

The plan the House of Delegates approved calls on TMA to push for legislation that holds insurance companies accountable for their inadequate and narrow networks. It extends the applicability of Texas' exemplary mediation program for \$500-or-more balance bills to all out-of-network physicians and providers and facilities. It keeps physicians aligned with patients' needs and best interests.

Your Council on Legislation will move forward in developing legislative strategies and tactics to achieve these goals. At the same time, TMA will begin a large-scale public education campaign to

ensure our patients and state leaders understand that the blame for so-called “surprise bills” falls squarely on the business practices of health insurance companies.

You can read more about the plan and the extensive research that supports it in the cover story of the May issue of *Texas Medicine*. If you can’t wait for the magazine to land on your desk later this week, you can read it [online on the TMA website](#).

Here’s the exact language the House of Delegates approved:

Adoption of the following as TMA policy on Improving Network Adequacy and Out-of-Network Billing:

- 1. That TMA advocate legislatively for:
 - a. mediation for all out-of-network services that is available to patients at all facilities while maintaining the current \$500 threshold after copayments, deductibles, and coinsurance as well as mandatory increased state agency oversight of insurers that are often brought to mediation; and*
 - b. development of a standard form for physicians to disclose to patients the identity of other physicians or nonphysician practitioners typically utilized in the facility where the planned surgical procedure or labor and delivery will occur. The form should contain disclaimers for unanticipated complications or events and instruct patients on how they may reach out to those physicians and nonphysician practitioners for further information.**
- 2. Reaffirm and ardently pursue legislative goals in [TMA Policy 145.032: Improving Network Adequacy in Health Insurance Plans](#). This adopted House of Delegates policy, which seeks to hold insurers accountable for their actions, is relevant and essential to success.*
- 3. Refer adopted Board of Trustees Report 12-A-16 to appropriate TMA councils and committees to monitor benchmarking laws and develop needed policy.*

Freedom from MOC Extortion

As well-educated, high-quality physicians, we’re very proud of our board certifications. It proves we learned all of the essentials necessary to care for our patients in our areas of expertise. We are dedicated to expanding our knowledge through continuing medical education (CME) programs. Board certification and CME are one thing. Maintenance of certification (MOC) is something else entirely.

Physicians in Texas and across the country are angry and frustrated at the amount of time and money we must spend to pass recertification exams that do nothing to improve our ability to care for our patients. The outcry against MOC at this weekend’s TexMed meeting was loud and visceral. The solution originated in Oklahoma, and Harris County physicians brought it to the TMA House of Delegates.

Last month, Oklahoma Gov. Mary Fallin signed a law that would ban the use of MOC “as a condition of licensure, reimbursement, employment or admitting privileges at a hospital” in Oklahoma. I’ve since spoken with several key Texas legislators who are quite interested in pursuing a similar measure here.

The TMA house followed through perfectly, adopting this resolution: “The TMA pursue legislation that eliminates discrimination by the State of Texas, employers, hospitals, and payers based on the American Board of Medical Specialties’ proprietary MOC program as a requirement for licensure, employment, hospital staff membership, and payments for medical care in Texas.”

I invite your thoughts, opinions, suggestions, and – most of all – your help, as we move forward to accomplish both of these huge goals in the 2017 session of the Texas Legislature.

Sincerely,

Ray Callas, MD
Chair
TMA Council on Legislation