

# 10 years of service to the profession

Rejoin Today — Our Work Is Never Done



**“The president’s health system reform bill is bad medicine for our patients, and we cannot support it.”**

**BY SUSAN RUDD BAILEY, MD, TMA PRESIDENT** As I travel around this great state, physicians often ask me, “What have TMA and my county society done for me lately?” My response is quick and certain. It’s not a question of “What have they done for us lately?” It’s more like “What would we do without them?”

When the trial lawyers tried to bankroll their high-rolling lifestyle through jackpot justice, the Texas Medical Association and the county societies were there. When the for-profit health care companies tried to tell you how to practice medicine, Texas medicine was there. When the federal government tried to cut your Medicare reimbursement, we were there. When state lawmakers tried to place an onerous tax on your practices, we were there. And when people who never went to medical school decided they could perform procedures they weren’t trained to do, we were there.

But our work is never finished. Our victories never stay won. Our enemies never remain vanquished. You need us today more than ever. And, frankly, we need you.

Only TMA stands up for your right to practice autonomously. Only TMA respects your clinical judgment as the bond between you and your patient. We guarantee that bond, but only with your support through membership.



So what *have* we done for you? Now that we've reached the end of the tumultuous first decade of the 21st century, here's a look back at what TMA and your county medical society did for you, your practice, your profession, and your patients. And here's a look at what we're still doing today.

### Passed Liability Reform

The list must start, of course, with the passage of the landmark health care liability reforms in 2003 — and the voters' approval of Proposition 12. Texas physicians joined together to put an end to the days of jackpot justice and skyrocketing liability insurance premiums. Since 2003, all major physician liability carriers in Texas have cut their rates, most by double digits. Ninety-percent of Texas doctors have seen their rates slashed 30 percent or more. Texas physicians have saved a cumulative \$1 billion. Physi-

cians insured by the Texas Medical Liability Trust (TMLT) — the liability carrier TMA created just for TMA members — will have saved \$634 million by the end of their 2011 policy years.

Thousands of new doctors flocked to Texas, thanks to our stable liability climate. The ranks of critical specialists — such as neurosurgeons, obstetricians, and emergency medicine physicians — have swelled once again. And Texans in vast regions of the state again have access to their lifesaving services.

TMA has remained vigilant against the trial bar's counter-offensive since 2003. We've stopped their moves to nullify our reforms in the courts and in the legislature. We encouraged Gov. Rick Perry to veto a 2009 bill that would have unraveled these protections. He did.

**And we're still at it. The trial lawyers are even now conniving to reverse our reforms and spike premiums**

## Renew Your Membership Today

There is still much to accomplish, and we need your support. Our voice is strongest when we work together. Renewal questions? Contact the TMA Knowledge Center at (800) 880-7955 or [knowledge@texmed.org](mailto:knowledge@texmed.org).

to unsustainable levels. They continue to paint doctors as unsafe purveyors of pain and damage. Only TMA, your county society, TMLT, and our allies stand between you and a resurgent epidemic of health care lawsuit abuse.

### Opposed President Obama's Health Plan

"The president's health system reform bill is bad medicine for our patients, and we cannot support it." That's what TMA told our congressional delegation when the bill came up for a vote. Our position was and is steadfast: Keep what's good in the health care system, and fix only what's broken.

**Just because the bill is law doesn't mean we give up and roll over. Since the very day the bill passed, TMA leaders have been working with our senators and representatives on a long list of changes we need to see. We're helping them find what's missing, what Congress left out that they should have put in. We want them to keep what works, to make sure that those needed reforms are protected. And we're urging them to fix what's broken, to rewrite or eliminate the many pieces of the law that are anti-patient and anti-physician.**

### Reformed Health Insurance Practices

By March 2001, Texas physicians were fed up with the for-profit health insurance companies' fraudulent marketing schemes and heavy-handed attempts to run their practices. TMA took them to court under the Racketeer Influenced and Corrupt Organizations Act and won some dazzling settlements.

Working with a team of active states, we won more than \$500 million in damages for physicians in redress for the plans' past injustices. More importantly, we secured more than \$1.5 billion worth of changes in how big insurance companies do business. We won you new definitions of medical necessity, fairer bundling and editing rules, the elimination of automatic downcoding, and much, much more.

**We know the health plans still don't take too kindly to treating you**

and your patients fairly. That's why TMA continues to participate in suits challenging unfair out-of-network payment determinations and why we work with a coalition of associations in challenging the plans' ongoing illegal practices.

### Put an End to "Slow Pay"

It's bad enough that health plans say they'll pay you a pittance for your services. It's even worse when the check takes forever to arrive — or doesn't come at all. In 2003, we passed a bill through the Texas Legislature that set new standards for prompt payment of claims. Insurers face heavy penalties for late payments. In fact, thanks to TMA advocacy, the Texas Department of Insurance fined UnitedHealthcare \$4 million in 2006 and \$3 million in 2007 for violating the prompt payment law. Soon after that, we won a court ruling that UnitedHealthcare is responsible for unpaid claims by contracted independent practice associations.

TMA's Hassle Factor Log<sup>®</sup> helps you keep up the fight against the health plans' egregious tactics. In this decade, we've recovered about \$10 million for Texas physicians and have won countless changes in the companies' business practices. We've just begun a project to help you get paid correctly when you submit claims with modifiers. And we brought a small army of physicians to explain to the commissioner of insurance where he's taking the wrong approach and where he is rightly focusing on health carrier behavior in implementing a law designed to create adequate insurance networks.

### Stopped Scope Expansion Cold

Throughout this decade, not one single bill expanding allied health practitioners' scope of practice made it through the Texas Legislature unless TMA said it was okay. And we gave our approval only when the change was safely within the providers' education, skills, and training. When they tried to go around the legislature, we put a stop to it. TMA won important court rulings that mean their licensing boards can't allow podiatrists



to operate on the ankle or chiropractors to practice medicine.

Right now, the advanced practice nurses, physical therapists, optometrists, and chiropractors all have their eyes on expanded, more independent scope of practice. We're painstakingly explaining to our state lawmakers that these practitioners have a role to play on the health care team, but they don't have what it takes to be free agents.

### Blocked Medicare Cuts

Because of an extremely flawed payment formula, physicians' Medicare payments have faced steep cuts almost every year for the past 10. But TMA leaders traveled to Washington over and over again — often just before Christmas — to plead your case. We worked with Congress to block them all. In 2003, we turned a 4.5-percent cut into a 1.5-percent increase. In 2008, we convinced Congress to override a presidential veto and replace a 10.6-percent cut with another 1.5-percent increase. And, in 2010, we stopped 25-percent cuts that almost went into place five times.

But we won't rest until the Sustainable Growth Rate formula is gone. We created a coalition with every other state medical society to secure

125,000 signatures on our "Stop the Medicare Meltdown" petition. We won't let Congress wriggle out of this one again.

### Protected Medicaid Payments

Texas Medicaid payments are pitiful. But they'd be much worse without TMA's never-ending advocacy. When lawmakers wanted to balance the 2003 state budget on the backs of physicians, we turned their planned 33-percent Medicaid cut into a 5-percent reduction, which we won back in later years. Then, in 2007, we secured a historic 25-percent increase in physician payment rates for children's Medicaid and a 10-percent hike in fees for adult Medicaid.

Well, they're at it again. The 2011 legislature faces an immense budget shortfall, and one plan they have for filling it is a 10-percent Medicaid cut. Once again, TMA is there to push back, protecting Medicaid patients' access to care. We know that physicians want to participate in Medicaid, but



Susan Rudd Bailey, MD

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many simply cannot sustain the loss as Medicaid payments lag far behind other payers. A further 10-percent cut would be disastrous.

## Prevented Onerous Taxes on Medical Practices

In 2005, and again in 2006, TMA headed off potentially devastating financial

hits to your practice when lawmakers wanted to tax health care. The association stopped the 2005 tax bill outright. In 2006, we convinced lawmakers to allow physicians to exclude from the new business tax all revenues from Medicare, Medicaid, TRICARE, the Indigent Health Care Program, Workers' Compensation, and the Children's Health Insurance Program. We saved physicians thousands of dollars more when TMA persuaded the state comptroller to allow physicians to deduct copayments and deductibles from taxable revenue.

As the 2011 legislature looks for new ways to balance the budget, TMA is there to remind them to continue to acknowledge physicians' unique roles in caring for all patients. Saving lives should not be taxed like other services. Health care is not a traditional business activity and should not be subject to a traditional business activity tax.

## Taught Physicians How to "Survive and Thrive"

Government has issued immense volumes of new rules and regulations over the past decade, and TMA has responded with practice management education to keep physicians out of trouble. From

traditional seminars to online courses to our recently revamped *Policies & Procedures: A Guide for Medical Practices*, your TMA and county society teams have helped physicians cope with HIPAA regulations, health information technology demands, constantly shifting Medicare and Medicaid rules, and the huge upheaval caused by the new health system reform law. Within two weeks of Congress passing that bill, TMA developed and began delivering an extensive series of educational programs to help Texas physicians survive and thrive in the new health care landscape.

**Our classrooms are always full. "Meaningful use" for electronic health records is already here. ICD-10 is coming soon, as are accountable care organizations. You know you can count on TMA to keep you prepared for all of these massive changes ... and to keep you out of legal hot water.**

## Helped Texans Survive Disaster

When three huge hurricanes struck the Gulf Coast, TMA was there to help physicians help patients and to help restore destroyed practices. TMA and county medical societies organized physician volunteers who treated 225,000 Louisiana evacuees from Hurricane Katrina. We came to the rescue of physicians whose practices were blown away by Hurricanes Rita and Ike.

Anthrax changed from a microbiology curiosity to a real-life threat after the Sept. 11 attack, so TMA's Task Force on Bioterrorism developed a toolkit on physician protocols for smallpox, botulism, anthrax, and plague. And, the TMA Flu Fighters provided practical advice to help Texas doctors fight the H1N1 influenza pandemic.

**We don't know when the next hurricane will strike. We can't time the next outbreak of infectious disease. But we can keep you prepared: ready to serve when needed and able to recover when disaster strikes home.**

