

Progress Notes

OCTOBER 2018

MSMA Reporting the Progress of Missouri's Medicine

www.msma.org



Supreme Court Issues Favorable Ruling

The Missouri Supreme Court upheld a lower court ruling on September 11, 2018, in the *Shallow v. Follwell* case.

The plaintiff in this case had argued that the defendant's four expert witnesses amounted to cumulative evidence, which can have a prejudicial effect if introduced to the jury. The court

found that even though some of the testimony overlapped, each expert testified about their own specialties, and offered their own specific opinions on the case.

Therefore, the probative value of the evidence outweighed any cumulative effect on the jury. In April, MSMA teamed up with the Litigation Center of the AMA and State Medical Societies to file an amicus brief in support of the defendant physician.

Supreme Court Considers Two Tort Cases

The Missouri Supreme Court has heard two cases that attempt to overturn the way in which defendants are allowed to make payments in medical malpractice cases. The plaintiffs in *Tharp v. St. Luke's* and *Williams v. Mercy* argue that the statute allowing for periodic payments unjustly interferes with the plaintiff's right to a trial by jury, usurps the role of the judiciary, and is an unlawful

taking. Present law allows defendants to request a payment plan if they are responsible for damages exceeding \$100,000. The Supreme Court ruled in 1992 that periodic payments do not violate equal protection or due process. Oral arguments were held on both cases on September 5, 2018. MSMA is awaiting the court's decision, which is likely to be released this winter.



November Ballot Issues: MSMA Opposes "Medical" Marijuana

Your Missouri State Medical Association is concerned the three "medical" marijuana ballot questions being offered to Missouri voters in November are not supported by science.

MSMA acknowledges there are a limited number of patients who may receive limited relief from minor pain and nausea, but numerous studies have identified negative health effects for a large number of diagnoses. Until the DEA reclassifies marijuana to allow extensive scientific research, MSMA remains concerned Missourians will be gambling with their health using an unregulated drug.

Read the ballot questions, MSMA's full statement, MSMA and AMA marijuana/cannabis policies, and articles on medical marijuana from *Missouri Medicine* at www.msma.org/medical-marijuana.

TCD System Funding Veto

As MSMA reported at the end of July, Governor Parson's recent veto of a budget line item that funded Missouri's Time Critical Diagnosis (TCD) program has caused great concern for physicians and hospitals around the state.

Our TCD system ensures patients receive fast, appropriate care for critical medical events like trauma, strokes, or heart attacks. With this line item veto, the functionality of our TCD system was thrown into jeopardy. A lapse in TCD system operation would negatively affect patients, particularly in rural communities where hospitals are far apart and timely care is essential for a

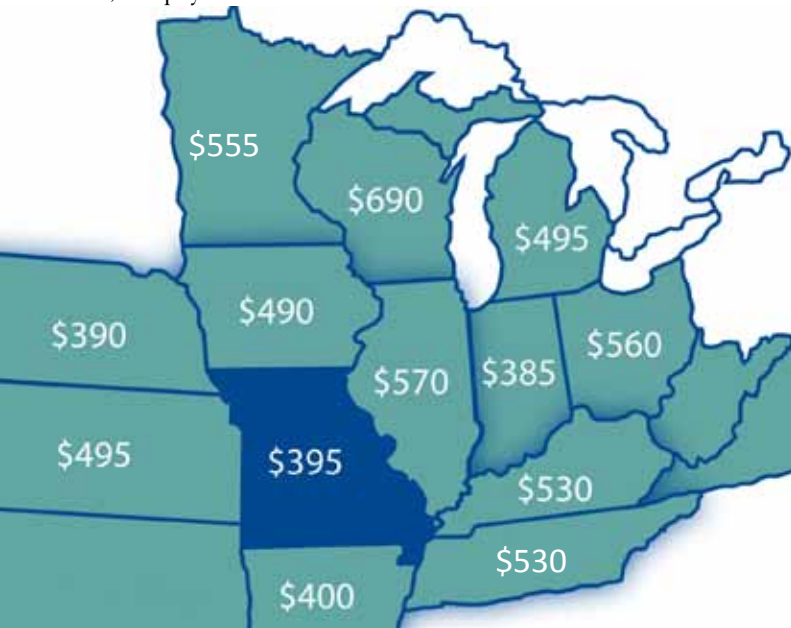
During the legislative veto session on September 12, the House of Representatives voted 134-13 in favor of restoring funding to the TCD system by overriding the governor's veto. The Senate, however, chose not to vote on the override, so unfortunately the veto remains. The governor and his staff say they are confident that funds can be moved to keep the TCD system operational until another solution can be found.

A coalition of medical societies and health care organizations will continue collaborating with Missouri state government to maintain and enhance our TCD system. MSMA appreciates policymakers' universal acknowledgement of the value of a system of care to promote time-sensitive treatments of stroke, STEMI, and traumatic injuries. The TCD system improves patient outcomes, and MSMA will continue to fight for its maintenance.



MSMA: The One Membership You Need

Recently released data show MSMA membership dues ranked as one of the lowest among medical societies in the nation. See states, below. That means MSMA provides substantial value when it comes to providing services and advocating for physicians. Nearly 3,500 physicians and medical students are MSMA members.



How do you benefit as a result of MSMA membership? MSMA secured passage of these new laws:

- Insurers can no longer unilaterally define what constitutes an emergency, or retrospectively deny claims for services provided in the emergency department without performing a statutorily required record review.
- New mothers enrolled in the MO HealthNet program can now receive up to twelve months of postpartum substance abuse and mental health benefits
- There is now increased access to medication-assisted treatment for patient with opioid use disorders, as well as an effective insurance coverage mandate for chemical dependency.

Issues important in the upcoming legislative session are:

- Advocating for the adoption of an effective statewide prescription drug monitoring program (PDMP) to address the opioid epidemic.
- Protecting the practice of medicine from other health care professionals who desire an expanded scope of practice.
- Reforming prior authorization to make the process more efficient and less time consuming for physicians.
- Placing advanced practice registered nurse (APRN) licensure under the Board of Healing Arts.

awesome

Congratulations to the Fastest-Paying Dues Members for 2019!

Individuals

- *Sarah Florio, MD, Lee's Summit, MO
- Katherine R. Lichtenberg, DO, Kirkwood, MO
- Wallace McDonald, MD, Country Club, MO
- Lirong Zhu, MD, Clayton, MO
- Randy Jotte, MD, St. Louis, MO
- J. Mark Wilson, MD, Springfield, MO
- Cynthia J. Ward, DO, Kansas City, MO
- Jay G. Robinson, MD, Kansas City, MO
- Ashley Holly, MD, Parkville, MO
- Damien Ricklis, MD, University City, MO
- Khang Le, MD, St. Joseph, MO
- David Safley, MD, Kansas City, MO
- Bridget Gruender, MD, Springfield, MO
- Michael Kramer, MD, St. Louis, MO
- Courtney Green, MD, Kansas City, MO
- Granville Phillips, MD, Perryville, MO
- Emily Smith, MD, Columbia, MO
- John Best, MD, Wildwood, MO
- Emily L. Smith, MD, St. Louis, MO
- David Chalk, MD, Washington, MO

First to Pay Online

- Jessica Bowers, MD, St. Louis, MO
- David James, MD, Columbia, MO
- Douglas Char, MD, St. Louis, MO
- William Huse, MD, Overland Park, KS
- Milamari Cunningham, MD, Columbia, MO
- Laxmeesh Nayak, MD, St. Louis, MO
- Susan Dando, DO, Chesterfield, MO
- Karl Hanson, MD, Prairie Village, KS
- Wayne Davis, DO, Columbia, MO
- Gregg Laiben, MD, Kansas City, MO

First Medical Groups to Pay

- Kirkville Anesthesia Associates, Inc. – Kirkville, MO**
- Jonathan Easterwood, DO James Potter, DO
- Benjamin Schrant, DO Erick Schuermann, DO

OMS Oral Surgery – Springfield, MO

- Christopher Meyer, MD J. David Gipson, MD
- George Arquitt, III, MD

Ballas Anesthesia, Inc. – St. Louis, MO

- Allen D. Baudendistel, MD Jeffrey D. Carter, MD
- Stephen R. Davis, MD Christopher Felling, MD
- Christopher Fichter, MD Denish Gangasingh, MD
- James King, MD Sudhakar Vaddi, MD
- Madhav Vinjamuri, MD

*first to pay

Membership renewal invoices for 2019 were emailed in September, and are in the mail now. Paying dues by check, phone, or online during the first billing cycle saves your dues dollars for Association benefits and programming. Call 800-869-6762 to pay over the phone, or go online to www.msma.org/joinrenew. For more information, email cwilliams@msma.org.

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New Medicare Cards

CMS will soon begin mailing new Medicare cards to beneficiaries in Missouri. The new cards use a Medicare Beneficiary Identifier (MBI), instead of the beneficiary's Social Security number, to help prevent medical identity theft and healthcare fraud. Beneficiaries will not be contacted by phone. Details are online at: <https://www.cms.gov/Medicare/New-Medicare-Card>. Your office staff will need to understand the new MBI will not use: S, L, O, I, B, and Z. Note: 0 (zero) is ok, O is not.



Reference Committee Online Forums Are Open for AMA Interim Meeting - Give Feedback

AMA members can take advantage of online forums for input into Reference Committee issues for the AMA Interim Meeting, Nov. 10-13, National Harbor, Maryland. Items of business are included in the online member forums for each of the five Reference Committees unless recommended against consideration by the Committee.

Members should take advantage of this opportunity, as Reference Committees at the Interim Meeting take place concurrently. Visit <https://www.ama-assn.org/forums/house-delegates>.

Beware of Scam/Phishing Emails

It has come to our attention that some MSMA members have received fraudulent emails which use the MSMA logo, and/or official wording, and/or purport to be from an MSMA staff member, an MSMA leader, or someone posing as MSMA staff or an MSMA leader.

These are phishing/spam emails being used to gather your personal information. They are not from MSMA. If you receive an email similar to the below example, DO NOT OPEN ATTACHMENTS, CLICK ON LINKS, OR RESPOND in any way.

In order to recognize phishing emails, please know that official emails

from MSMA will always be sent from an MSMA-affiliated email account. They will not “expire within 24 hours” or contain any other verbiage which requires members to click a link within a particular timeframe.

MSMA will never ask you to update your personal information through email or over the Internet without first logging into your account at www.msma.org. MSMA does not share members' emails with outside entities.

If you have doubts about its source, call MSMA or email anyone on staff directly. Review or contact official MSMA staff or call 800-869-6762.

Medicaid Orders Must be from Participating Physicians

Missouri Medicaid orders, prescriptions and referrals orders will now need to be from physicians enrolled with MO HealthNet. All claims will need to contain the NPI number of the physician who ordered, prescribed or referred for services. MSMA has communicated with Missouri Medicaid and CMS the potential negative impact on Medicaid patients since employed physicians may be reluctant to enroll as an individual to provide volunteer services.

Keep Flu Out of Schools!

Influenza causes more hospitalizations among young children than any other vaccine-preventable disease. The single best way to protect against seasonal flu and its potential severe complications is for children to get a seasonal flu vaccine each year.

Estimated Influenza Illnesses, Medical visits, and Hospitalizations Averted by Vaccination in the United States:

- <https://www.cdc.gov/flu/about/disease/2016-17.htm>

People at High Risk of Developing Flu-Related Complications:

- https://www.cdc.gov/flu/about/disease/high_risk.htm

Got Drugs?

Turn in your unused or expired medication for safe disposal Saturday, October 27, 10 am-2 pm.

Visit <https://takebackday.dea.gov> to find a location near you.





Missouri State Medical Association
113 Madison | P. O. Box 1028 | Jefferson City, Missouri 65102
RETURN SERVICE REQUESTED

TIME-SENSITIVE MATERIALS

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OCTOBER 2018



Coverage for Affluent Homes

Experience the peace of mind that comes from working with an insurance professional who understands your unique needs.

MSMA Insurance cares for physicians and covers their personal and professional needs.
Contact Ronnie Slaggs | 866-676-2467 | www.msma.biz | rstaggs@msma.biz



COMING SOON! 2019 Physician of the Day

Join MSMA in the Missouri State Capitol!

Every legislative session, beginning in early January and ending in mid-May, many MSMA members generously volunteer a day of their time to serve as the Physician of the Day at the Missouri State Capitol in Jefferson City. The Physician of the Day spends a Tuesday, Wednesday, or Thursday during the legislative session in the Capitol as an on-call physician in case legislators or legislative staff have a medical concern. Legislators and staff are very thankful for this program, and it's a great opportunity for you to meet and talk with your local legislators.

We know your schedules can become full weeks and even months in advance, so we offer a convenient online scheduling tool on the MSMA website: www.msma.org/physician-of-the-day. It's never too early to sign up to volunteer during next year's legislative session.

Come spend a day in Jefferson City with us!

