Dear MAG BOD:

Please allow this to be a status of MAG activities since my last update. As always, my previous updates can be found at [http://www.mag.org/resources/executive-directors-message](http://www.mag.org/resources/executive-directors-message). We are currently at the American Medical Association's Annual Meeting in Chicago and you will receive a summary in my next update. Of particular note, MAG/AMA's litigation over Georgia's prompt pay law was discussed at the AMA's Litigation Center's Forum.

**Georgia Composite Medical Board**

Over the last few months, GCMB has proposed various versions of new rules addressing telemedicine. In June, GCMB was prepared to vote on the most recent version of the telemedicine rules. However, after receiving comments, GCMB decided to table the rules for further review. We will remain engaged as these rules move forward in working with GCMB to ensure what is best for patient access and patient safety.

**Scope of Practice (Nurse Practitioners)**

Just to keep you updated on the scope of practice challenges being waged nationally. Recently, Nevada Governor Sandoval signed Assembly Bill 170, which removes the collaborative practice agreement requirement for nurse practitioners (NPs). A.B. 170 prohibits NPs from prescribing Schedule II drugs unless they (a) have attained at least 2 years or 2,000 hours of clinical experience or (b) prescribe in accordance to a protocol approved by a collaborating physician. Nevada's loss leaves California as the only Western state without NP independence. The California legislature is currently considering three primary scope bills (S.B. 491-493) on NPs, optometrists, and pharmacists.

**GAMPAC Fly-In**

The Chairman Circle members of GAMPAC traveled to Washington, DC to meet with our Georgia Congressional Delegation. Members had the opportunity to personally discuss issues important to medicine, such as Congressman Tom Price's Medicare Patient Empowerment Act and organized medicine's opposition to the Independent Payment Advisory Board and ICD-10, with the following:

- Senators Saxby Chambliss and Johnny Isakson
- Congressmen Jack Kingston, Lynn Westmoreland, John Lewis, Tom Price, Rob Woodall, Doug Collins, Paul Broun, Phil Gingrey, John Barrow, David Scott and Tom Graves.

Additionally, the members met with House of Representatives Majority Leader Eric Cantor and US Senator/physician John Barrasso. As a special event, Congressman Tom Price again out did himself with a night time Capitol tour. A very special thanks to all who participated and Travis Lindley for arranging the event. We also want to thank the AMA's Todd Askew for providing an update on congressional activities. Please find attached pictures from the event.

**Federal Trade Commission**

Two recent decisions negatively impacting medicine were decided within the last two weeks. Organized medicine (American Medical Association and the respective state societies) weighed in on the decisions without success.

- North Carolina State Board of Dental Examiners v. FTC - The 4th Circuit Court of Appeals rejected an appeal by the NC Dental Board challenging an FTC decision which had found the Dental Board to have unlawfully restrained trade by issuing “cease and desist” letters to providers of teeth whitening services not licensed as dentists. The AMA joined in an amicus brief urging respect for the “state action doctrine” which exempts from federal antitrust scrutiny the activities of state agencies—in this case, a state professional licensing board. The court fully embraced the FTC’s views on the key legal issues regarding the “state action doctrine” (i.e., the indicia whether a body is truly a state agency or a state sanctioned private body and, if the latter, what degree of active supervision by the state is required for the “state action doctrine” to be applicable).
Iowa Medical Society and Iowa Society of Anesthesiologists v. Iowa Board of Nursing –

The Iowa Supreme Court issued its opinion reversing the Polk County District Court’s decision and upholding the rulemaking of the Iowa Board of Nursing and the Iowa Department of Public Health permitting ARNPs to supervise fluoroscopy. The Court’s opinion is driven by its finding that the rulemaking in this case fell squarely within the discretion of the agencies. As such, the Court accorded substantial deference to the agencies in weighing the evidence and arriving at a decision. Disturbingly, the Court gave wide latitude to the Nursing Board in ignoring competent, standards-driven testimony of the Iowa Board of Medicine, medical societies, and medical specialty societies (IMS, ISA, IOMA as parties, as well as the ACR, SIR, etc.) regarding the appropriate practice of medicine, finding that there was enough “other” evidence the Board could rely upon to determine that medicine recognized ARNP supervision of fluoroscopy. The opinion can be found here: http://www.iowacourts.gov/Supreme_Court/Recent_Opinions/20130531/11-1977.pdf.

SGR Again

Congress is studying replacement payment methodologies for the current Medicare flawed formula. The House Energy and Commerce Committee has released a discussion draft. For your review, I have attached talking points we have received from the AMA. Please continue to send feedback on these issues so we can provide information to the AMA and our congressional delegation. Additional information may be found at Medicare Physician Payment Action Kit www.ama-assn.org/go/medicarepayment.

MAG Legislative Update

Just a reminder that the MAG Legislative Update held in St. Simons on July 19-20 is rapidly approaching. Please make sure to attend. More information can be found at http://www.mag.org/news/articles/legislative-update.

If you should have any questions, please do not hesitate to call.

Donald

Donald J. Palmisano, Jr.
Executive Director/CEO
Medical Association of Georgia
1849 The Exchange
Suite 200
Atlanta, Georgia 30339
678-303-9290 (Phone)
678-303-3732 (Fax)
404-312-9030 (Mobile)

The leading voice for the medical profession in Georgia...every physician in every specialty.