Dear all:

Please allow this to be an update of MAG activities over the last few weeks. As always, my previous updates can be found at www.mag.org/executivedirector. Please feel free to share this update with others.

**Tort Reform – Judicial Hellholes**

Please see the latest Judicial Hellholes rankings and note that Georgia is now number 6. This is not good for physicians and patients. As noted in the text on why Georgia has entered the rankings:

*A newcomer to the list of Judicial Hellholes, Georgia makes an appearance due to the courts’ dramatic expansion of premises liability and nuclear jury verdicts. Medical liability is on the rise following the Georgia Supreme Court’s decision to strike down commonsense reforms. Several important cases also are pending before the high court. It has the opportunity to realign itself in a fair and just manner or further solidify the state’s status as a Judicial Hellhole.*

More information can be found at https://www.judicialhellholes.org/. This is why tort reform is a legislative priority for 2020. In addition, you can support the effort in the following ways:

- Speak to your legislators and explain the need for tort reform. Information can be found at https://www.mag.org/georgia/Public/Resources/MAG_Tort_Reform_Fund.aspx.
- Contribute to the tort reform fund at https://www.paypal.com/donate/?token=wTabg_d6iC1LLQ2CgMucEnHUFKXNFXPzHsMcNXhvJhG5jh2iV-xMGDE49Ra6oyhhGi7Nom&country.x=US&locale.x=US.

On a positive note, the Senate Study Committee on Reducing Georgia’s Cost of Doing Business just released recommendations on improving the tort environment. Of particular note, the Senate Study Committee recommends solutions we have discussed for the last few months – phantom damages, anchoring, bifurcated trials, etc. This is a great first step but we have a long way to go. Special thanks to MAG President, Andrew Reisman, MD, who served on this committee and MagMutual for their continued work on this issue.

**Surprise Billing (2 Updates)**

MAG is working closely with a number of national groups to address the Surprise Billing Issue. MAG receives information from many groups to ensure we are getting all the information out there. For example, MAG is working closely with the American College of Emergency Physicians, American Society of Anesthesiologists, American College of Physicians, American Medical Association, Physicians for Fair Coverage, and others. In addition, the Physician Advocacy Institute (MAG is one of nine state medical societies that sit on the Board of Directors) has our own federal lobbyists that are sending us information throughout the day. I have attached the latest update from AMA on the Ways and Means Proposal and the “compromise” language offered earlier this week.

**AMA Update on Ways and Means Proposal (Released Yesterday)**

On December 11, the House Ways and Means Committee issued an outline of that panel’s bipartisan proposal for addressing surprise medical bills. Some details are vague and it could be after the holidays before we see legislative language. Nonetheless, direct conversations and written material
signal that the committee’s approach offers improvements over the recently issued agreement reached between the House Energy & Commerce Committee and the Senate Health, Labor, Education, and Pension (HELP) Committee.

- Like other proposals, the Ways & Means plan would limit patients’ out-of-pocket costs to the amounts they would have owed if they had the opportunity to choose in-network physicians and facilities to provide their care.

- An independent dispute resolution (IDR) system is also included. However, unlike other proposals, Ways & Means does not restrict IDR to claims above a certain threshold amount, nor does it establish a payment benchmark based on in-network payment amounts.

- Price and network transparency provisions and protections for patients whose provider networks change during the plan year are also included. Uninsured or cash-paying patients would also have access to IDR if they are given misleading cost information prior to obtaining services.

After the outline was released, Committee chair Richard Neal (D-MA) and Ranking Member Kevin Brady (R-TX) both affirmed their commitment to advancing a balanced approach to address surprise billing early next year, noting that the issue is too complex and important to rush through Congress prior to the holiday recess.

**Alexander, Pallone, Waldon Compromise**

Earlier this week, Congress released “compromise” language regarding surprise billing. Unfortunately, the language does not go far enough in solving the problem for patients, physicians and providers. MAG will continue to work towards a solution on this issue. Please see MAG’s statement (which is consistent with all of organized medicine) - [https://www.mag.org/georgia/Public/News/News_Articles/MAG_opposing_flawed_federal_surprise_m edical_bills__compromise.aspx](https://www.mag.org/georgia/Public/News/News_Articles/MAG_opposing_flawed_federal_surprise_m edical_bills__compromise.aspx).

**Co-Prescribing Naloxone**

Please see MAG’s latest Top Docs Radio Show that addresses naloxone and the need to co-prescribe - [https://www.mag.org/georgia/Public/News/News_Articles/_Top_Docs__addresses_naloxone___need_t o_co-prescribe_the_life-saving_drug.aspx](https://www.mag.org/georgia/Public/News/News_Articles/_Top_Docs__addresses_naloxone___need_t o_co-prescribe_the_life-saving_drug.aspx).

**Governor Kemp’s Medicaid Waivers**

In case you missed it, here are the comments MAG submitted on the Medicaid waivers - [https://www.mag.org/georgia/Public/News/News_Articles/MAG_submits_letter_to_Georgia_governor _commenting_on_health_insurance_waivers.aspx](https://www.mag.org/georgia/Public/News/News_Articles/MAG_submits_letter_to_Georgia_governor _commenting_on_health_insurance_waivers.aspx).

**OMSS Section**

If you are interested in representing the Organized Medical Staff Section on the MAG Board of Directors, please see the following information. You can email your interest directly to me by December 16 - [https://www.mag.org/georgia/Public/News/News_Articles/MAG_seeking_nominations_for_organized _medical_staff_section.aspx](https://www.mag.org/georgia/Public/News/News_Articles/MAG_seeking_nominations_for_organized _medical_staff_section.aspx).

As always, if you should have any questions, please do not hesitate to call.
Donald J. Palmisano, Jr. J.D. CAE I Executive Director & Chief Executive Officer
Medical Association of Georgia
1849 The Exchange Suite 200 I Atlanta, Georgia 30339
678-303-9290 (Phone) I 404-312-9030 (Mobile)
dpalmisano@mag.org I www.mag.org