Status of 2018 HCMS Resolutions Considered by TMA House of Delegates

Financial & Organizational Affairs

**107-A-18 Physician Protections When Reporting Violations of Nonprofit Health Corporations**
Adopted as amended, as follows: Resolution that the Texas Medical Association: (1) develop legislation that forbids retaliation by a nonprofit health corporation (NPHC) against any person working for the NPHC who files a complaint or reports a suspected violation of state or federal law; (2) develop legislation, or ask the Texas Medical Board (TMB) to adopt more robust rules providing TMB authority to accept, process, and dispose of complaints against a licensed NPHC; and (3) ask the Texas Medical Board to develop a complaint form to facilitate filing complaints against NPHCs.

Status: Referred to Council on Legislation and Office of the General Counsel

**109-A-18 Liability Exemptions for Volunteer Medical Health Workers**
Adopted as amended, as follows: Resolution that the Texas Medical Association develop legislation that establishes a statewide medical liability exemption for physicians and health care providers who work under the supervision of a physician who respond to a call for medical volunteers from a state or local governmental or medical entity.

Status: Referred to Council on Legislation and Office of the General Counsel

Science & Public Health

**303-A-18 Bathroom Bills**
Adopted. Resolution that the Texas Medical Association oppose any efforts to prevent a transgender person from accessing basic human services and public facilities in line with one’s gender identity, including, but not limited to, the use of restrooms.

Status: Added to TMA Policy Compendium

Socioeconomics

**403-A-18 Underreporting of Optometric Diabetic Eye Examinations to Treating Physicians**
Adopted as amended, as follows: Resolution that the Texas Medical Association work with the Texas Optometry Board to develop guidelines around conditions that need to be reported to the patient’s physician.

Status: Referred to Interspecialty Society Committee

**407-A-18 Medical Necessity Decisions Are the Practice of Medicine**
Adopted. Resolution that the Texas Medical Association work to: (1) align the Texas Occupation Code, Texas Insurance Code, and Texas Administrative Code with clear verbiage that medical necessity decisions are the practice of medicine and can only be performed by a physician with an active license in the state of Texas; and (2) align the Texas Occupations Code, Texas Insurance Code, and Texas Administrative Code with clear verbiage requiring that those making peer-to-peer medical necessity decisions be in the same or similar specialty as the treating physician seeking authorization.

Status: Referred to Council on Legislation and Office of the General Counsel

Update: Jan 2019