

Medical Association Update | July 31, 2020

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Fri, Jul 31, 2020 at 4:12 PM



Sign On Letter: Surprise Billing Legislation



The Medical Association of the State of Alabama signed on to a letter sent to Congressional leaders that opposed efforts to include surprise medical billing provisions in the new COVID-19 relief legislation under discussion in Congress. Organized by the American Medical Association, the letter makes the point that legislation to address the current public health emergency is not the appropriate vehicle or time to address this issue when agreement in significant outstanding issues remains elusive. However, we remain committed to helping find a solution that protects patients from unanticipated medical bills.

[See the letter here](#)

New AUM poll shows both parties support expanding Medicaid



A new poll conducted by Auburn University at Montgomery shows both Republicans and Democrats favor expanding Medicaid health care for low-income Alabamians.

According to the survey, 52.2% of Republicans either somewhat or strongly support expanding Medicaid while a full 84.8% of Democrats favor the idea.

The AUM Poll surveyed voters on the economy, healthcare and education, all of which voters rated as their top issues heading into the 2020 general election.

[See the story on Alabama Daily News](#)

Identifying The Proper Documentation For End of Life Care



In the midst of this global pandemic, there have been stories about prioritizing patient care based on the patient's ability to recover. The stories are heartbreaking and highlight the need for people to have important discussions regarding advance care planning before they get sick and are unable to direct their own care. Further, it is essential that the patient's choice for end of life care be the driving force for withdrawing or withholding life-sustaining treatment. To ensure that occurs, healthcare practitioners need to be able to identify the documentation necessary to implement patient choice regarding end-of-life care.

[See the story on NewsCenter](#)

Report: 34 Percent Decline in Opioid Prescribing since 2014

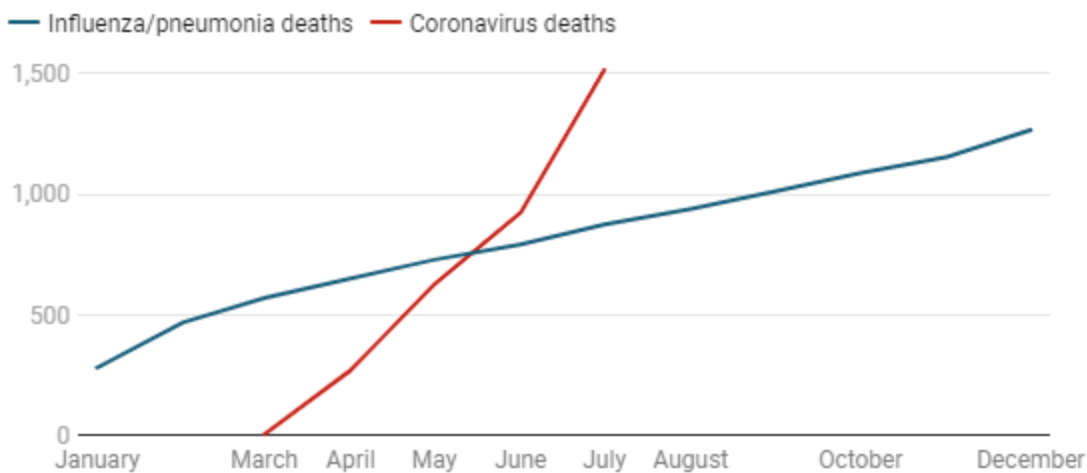


According to a new report released by the American Medical Association, Alabama physicians have reduced opioid prescribing by 34.4% since 2014, increased the use of state prescription drug monitoring programs (PDMP) and decreased the total morphine milligram equivalents by 46.6% since 2014. Our physicians also have continued to educate themselves on safe prescribing, pain management and recognizing signs of addiction.

[Download our official statement here.](#)

[See the full official statement on NewsCenter](#)

Coronavirus deaths already well past average annual flu deaths in Alabama



Lowndes County in south Alabama has now seen twice as many deaths due to coronavirus than it saw in the last 10 years combined from the flu.

It's the strongest example in the state of a trend that has now been clear for some time - COVID-19 is not "just a bad flu."

Alabama passed a grim milestone Thursday, as the state department of health reported more than 1,500 people in the state have now died due to the coronavirus.

[See the story on AL.com](#)

Important Decision from the Alabama Supreme Court

The Medical Association recently filed an amicus or "friend of the Court" brief with the Alabama Supreme Court in support of a physician and his P.C. in the case of *Ex parte Fruedenberger*. The Supreme Court case was an extremely important one for health care providers across the state as it tested the validity of a HIPAA Order denying defense counsel the right to have "ex parte" or informal and private meetings with a plaintiff/patient's treating physicians. In previous lower court decisions, the plaintiff's counsel was allowed to have such communication but the defendant's counsel was not.

The Court ruled in favor of the Defendants and in keeping with the position of the Medical Association, held that: (1) the trial court's order was incorrectly entered and an abuse of discretion, (2) long-standing Alabama law allows defense counsel the right to conduct ex parte meetings with treating health care providers, and (3) nothing in HIPAA preempts that law or prohibits ex parte meetings. The Court acknowledged trial courts have the discretion to restrict discovery, including ex parte meetings, on a case-by-case basis if there are "special or exceptional" circumstances to justify the restrictions, but importantly ruled that, without such a showing, there is not justification to restrict defense counsel's right to informally interview a plaintiff/patient's treating health care providers.

Of note, the well-written main opinion was authored by Justice Will Sellers, and all other justices joined or concurred except Chief Justice Tom Parker, who was the only justice dissenting from the main opinion.



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