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TREATMENT WORKS | RECOVERY IS POSSIBLE

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The Vulnerable Child Compassion and Protection Act does not pass

The Vulnerable Child Compassion and Protection Act was filed in the House and Senate to ban transgender therapy. It would have criminalized counseling, prescribing and performing surgery if the intent of any of the preceding was to assist and/or affirm in transitioning a patient to a gender different than the one listed on the patient's birth certificate.

While the Senate passed SB10 in March, the regular session of the Legislature adjourned before the House voted on the bill.

The Alabama Psychiatric Physicians

Association executive council opposed this bill for the following reasons:

- Patients who have gender dysmorphia and no support are 60 percent more at risk for suicidal ideation. In patients who do have support it is clinically proven they only have a 4 percent risk of suicide ideation.
- This would affect the physician patient relationship. Government serves a valuable role in the protection of public health and safety and the provision of essential health services. APPA supports this proper role of government. Laws

that veer from these functions and unduly interfere with patient-physician relationships are not appropriate. Absent a substantial public health justification, government should not interfere with individual patient-physician encounters. The patient-physician relationship is essential to the provision of safe and quality medical care and should be protected from unnecessary governmental intrusion.

- Liability lawsuits could arise from potential patient self-harm if a physician is unable to properly discuss an issue with a patient. 🙄

The Southern Psychiatric Association and the Alabama Psychiatric Physicians Association present:

Resilience: COVID-19 and Beyond

October 6-9, 2021
The Westin Huntsville
www.alabamapsych.com/physicians

Registration is open for the SPA/APPA 2021 Conference

Resilience: COVID-19 and Beyond

Accommodations
The Westin Huntsville
6800 Governors West, NW
Huntsville, AL 35806

The Room Block rate is \$155 per night and expires Sept. 17, 2021.
[Reserve a room online.](#)

Visit www.alabamapsych.com/physicians for a tentative agenda.

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The following is a summary of the Medical Association of the State of Alabama's 2021 Legislative Recap.

After the 2020 Session was cut short by the COVID-19 pandemic, it was widely expected that health care would be a hot topic for the 2021 Session. Those forecasts proved to be true, with roughly 20 percent of bills and resolutions filed during the 2021 Session relating to health care.

Moving Medicine Forward in 2021

While preventing dangerous and problematic proposals from becoming law consumes much of the Medical Association's advocacy efforts, at the same time the Association is trying to move medicine forward each session. The 2021 Session saw continued success in two top-priority funding requests (Maternal Mortality Review Committee and Board of Medical Scholarship Awards) as well as the enactment of legislation to further access to physician-led, team-based care for patients in Alabama.



• **Protection from COVID-19 frivolous lawsuits.** The Medical Association worked with both Sen. Arthur Orr (R-Decatur) and a coalition of other organizations on legislation providing liability protection to businesses but also to physicians for care whose provision to patients was affected or impacted by COVID-19 and/or the state's response to the pandemic. This bill was one of the first to become law in 2021.

• **Board of Medical Scholarship Awards.** As she did in 2020, Gov. Ivey recommended maintaining the additional \$500,000 increase for the Board of Medical Scholarship Awards. The legislature agreed, and the total amount for physician student loans for 2022 remains at \$1.9 million, allowing roughly 10 medical school tuition loans to be granted annually to physicians willing to set up practice in medically underserved areas of Alabama. This program remains one of the best mechanisms for expanding access to quality care.

• **Health Care Access for At-risk Patients.** HB141 created a Community Paramedicine Program, overseen by the State Board of Health, to utilize paramedics to reach at-risk patients in communities across the state.

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Physician Finder: Huntsville

WellStone, a non-profit community health system, seeking Adult Psychiatry physicians:

- Directly manage clinical and patient outcomes
- Monday-Friday, Office hours
- Support team of nurse practitioners, nurses, and social workers
- Guaranteed salary of \$300,000 with performance bonus potential
- Sign-on bonus and relocation available

Contact Kyri Ioannou, Enterprise Medical Recruiting at (800) 467-3737 or kipreferred@enterprisemed.com.

Legislative wrap-up, cont.

• Expanding Broadband in Alabama.

The legislation that passed creates a digital expansion authority to expand access to the internet in all 67 counties and will undoubtedly help patients connect with their physicians via telehealth.



• **Medicaid Expansion.** The Association, as part of Cover Alabama - a coalition of more than 100 organizations

supporting Medicaid expansion - continues to advocate for those caught in the coverage gap.

Beating Back the Lawsuit Industry

Plaintiff lawyers are constantly seeking new opportunities to sue physicians. Alabama's medical liability laws have long been recognized for ensuring a stable legal climate and fostering fairness in the courtroom. But those laws come in jeopardy every session and the Medical Association must defend against allowing more frivolous lawsuits to be filed against physicians.



• **Vaccine-related Lawsuits.** New vaccine-related lawsuits against physician-employers and medical practices were prevented from

becoming law.

• **Medicaid Fraud.** Physicians accepting Medicaid could have been subject to whistleblower lawsuits for honest billing mistakes, costing \$5,500-\$11,000 per billing mistake plus triple damages under a Medicaid fraud bill. The Medical Association, along with a coalition of health care associations, offered a substitute bill but it was rejected by the sponsor.

• **Sexual Assault Survivors Bill of Rights.** HB137 protects physicians who treat survivors of sexual assaults from being exposed to new liability and requirements for new statutory standards of care. The Act provides that the attorney general establish the Sexual Assault Task Force to develop, coordinate and disseminate national protocols regarding

the care and treatment of sexual assault survivors.

• **Involuntary Commitment.** The legislature considered bills to allow, under certain circumstances, law enforcement officers to bypass the traditional involuntary commitment process in order to take an individual believed to have a mental illness into protective custody. The bill would provide protection from civil liability to law enforcement officers, medical facilities and medical personnel.

The bill did not pass.

Other Health-Related Legislation of Interest

• **Board of Medical Examiners/ Medical Licensure Commission.** Legislation would have abolished the Board of Medical Examiners (BME) and Medical Licensure Commission, and banned physicians who were members of county, state or national medical and specialty societies from participating in regulating their profession.

The proposed structure in the legislation would also have ensured little diversity among physicians serving on the reconstituted BME and would likely have prevented rural physicians from being represented.

• **State Health Officer/State Committee of Public Health.** Legislation would have allowed for a non-physician to head the Alabama Department of Health (ADPH) and would have replaced most of the physicians on the committee with non-physicians. Instead of making drastic changes to ADPH midstream, the legislature and the governor agreed to a full-spectrum study of the state's COVID-19 response efforts between now and the beginning of the 2022 Session to identify areas for improvement moving forward.



• **Medical Cannabis.** Legislation was enacted to enable cannabis for medicinal use if approved by

a physician certified by the state to recommend it to patients. The bill provides for the regulation by the state, from "seed

to sale," of cannabis for medicinal use and creates a new commission to oversee all aspects (other than physician regulation) of cannabis.



• Pharmacy Benefit Managers.

Legislation was enacted that prevents pharmacy benefit managers (PBMs) from steering patients

to use mail-order pharmacies and prevent price discrimination. It also requires the PBM to act as a fiduciary to clients and prevents them from stopping pharmacists from disclosing prices.

• **Countywide Public Health Orders.** Legislation was filed to change the way county health officers issued countywide public health orders. Various bills were filed related to county health orders. Some would have established an advisory panel to weigh in on countywide health orders before implementation while others would have prohibited a county health officer from issuing an order that relates to pandemic or outbreak unless it was approved by the State Health Officer. These bills did not pass.

• **Statewide Public Health Orders.** Legislation was filed to change how statewide public health orders are issued and also to curtail the emergency declaration powers of the governor. These bills did not pass.

• **Vaccine Passports.** Multiple pieces of legislation were filed related to banning vaccine passports. The bill that passed on the final legislative day leaves in place existing immunization requirements for students (and also allows exceptions for religious or medical reasons) but bans the issuance of vaccine passports in Alabama by the state or any other governmental body. It also prevents businesses from being able to require proof of vaccination for entry into a business or as a condition for provision of a good or service to a customer. 🌐

SAVE *the* DATE

Coming Attractions

2021 APPA Fall Conference in conjunction with SPA

October 6-9 | Westin Huntsville

2022 APPA Spring Conference

April 1-2 | The Lodge at Gulf State Park

2022 APPA Fall Conference

October 7-8 | Marriott Resort, Auburn-Opelika Grand National

2023 APPA Spring Conference

March 31- April 2 | Sandestin Golf and Beach Resort

2023 APPA Fall Conference

TBA

APA News Briefs

June Course of the Month – Correctional Psychiatry: Improving Access, Safety, and Efficacy

Correctional systems in the United States house inmate populations with high rates of mental health conditions. The high need for mental health services is coupled with a shortage of correctional psychiatrists, which limits access to services. This course discusses interventions that some correctional systems have employed to expand access to mental health care, improve the quality of care provided, and enhance patient safety. [Click here to access the Course of the Month.](#)

APA Urges Patient Care above Profits

APA jointly filed an amicus brief in *Wit v. United Behavioral Health* (UBH) along with several California psychiatric and medical organizations and issued a call to put patients care ahead of insurance company profits. The brief calls on the court to uphold a prior ruling that found UBH had violated its duty to beneficiaries by making coverage decisions based on their financial interests rather than according to accepted industry standards. [Read more about this case and the full amicus brief here.](#)

APA Poll Explores Employers Views on Mental Health

APA released a summary of results centered on Workplace Mental Health from its Annual Public Opinion Poll. Over half of respondents reported that their employers have been more accommodating about mental health issues since the onset of the pandemic. However, slightly fewer than last year felt comfortable discussing mental health at work. [Read more about the poll here.](#)

Join Minority and Underrepresented Caucuses

The Minority and Underrepresented (M/UR) caucuses provide networking opportunities, advance treatment of minority patients, advocate for minority mental health, provide representation in APA governance, and foster communication. Update caucus memberships in your profile to join any of the following groups: American Indian/Alaska Native/Native Hawaiian; Asian-American; Black; Hispanic; International Medical Graduates; LGBTQ and Women. https://my.psychiatry.org/apa_login

APA posts new video blogs on Telepsychiatry during COVID-19

APA has uploaded 3 new video blogs to the Telepsychiatry Toolkit: College Telepsychiatry, First-time Telepsychiatry and Inpatient Telepsychiatry. [Access the video logs here.](#)

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The Freudian Slip is published bimonthly. The articles contained in The Freudian Slip are meant to provoke thought and comment and do not necessarily reflect the views and opinions of the members, Executive Council or staff of the Alabama Psychiatric Physicians Association. Comments and letters to the editor are welcome.