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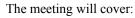


A publication of the California Orthopaedic Association

Winter, 2008

# Critical Information for Orthopaedic Practices

The COA 2008 Annual Meeting/QME Course will bring together an exceptional group of experts to present information that is critical to the success of your orthopaedic practice, particularly in this competitive and changing world of health care. Successful models will be presented for your consideration.



- Potential physician responses as carriers continue to consolidate and use their clout to dictate health care in California.
- ♦ Steps in putting together a merger
- ◆ Anti-trust cautions as you consider your options.
- How to help your hospital become more efficient so that you can work more effectively with them.
- A summary of current state legislation affecting your practice and COA's successes.



James Caillouette, M.D., President

On a clinical note, the meeting will include:

- Hands on saw bones labs on ACL Fixation Techniques—techniques will be presented by Depuy-Mitek, AperFix, and Arthrex.
- Symposiums on:
   ACL Reconstruction
   Articular Cartilage Treatment in the
   Athlete
   Rotator Cuff Injuries
- OrthoBiologic Solutions for Articular Cartilage Problems—Stem Cell Research: Are We Ready for Clinical Trials?

(Continued on Page 2)

COA 2008 Annual Meeting/QME Course and Instructional Course, "Critical Decisions for an Orthopaedic Practice: Contracting, Marketing, Building an Effective Team"

> May 15-18, 2008 Marriott Newport Beach Hotel and Spa Newport Beach, CA

The meeting agenda and registration form is included with this newsletter and is on COA's website: www.coassn.org. Register early to receive a \$150 discount on registration fees and to obtain discounted hotel rates.

### President's Column (continued from Page 1)

The **QME** Course will continue to educate you on:

- Treatment Guidelines and efforts by the DWC to refine the ACOEM Practice Guidelines and to adopt new more comprehensive guidelines.
- Post-Surgical Rehabilitation Guidelines.
- ◆ ACOEM Pain Guidelines—What is the Scientific Evidence?
- Understanding how the AMA Guides 6th Edition can teach us how to better use the 5th Edition.

You will also have an opportunity to pose questions to a panel of experts and earn a Certificate of Proficiency in the use of the DWC-adopted treatment guidelines and the AMA Guides.

In addition, an **Instructional Course** will be presented to help you with:

- Contracting decisions.
- Marketing and "branding" of your practice.
- Hiring a team that can help you deal with payers and run a more efficient practice.
- Improving communication skills to improve patient satisfaction.
- Understanding cultural differences when treating a diverse patient population.

It is critical that you understand these issues to be able to survive the health care changes in the marketplace.

**Program Chairman, Russell Petrie, M.D.** has put together an outstanding program of practical information that you take home and implement.

### Bring your Practice Manager to the meeting.

They will benefit from these sessions and be able to network and share other practice information at the **C-Bones meeting** also being held at this meeting.

Finally, the COA meeting remains the most affordable way to gain all of this valuable information in a weekend.

I hope to see you in Newport Beach and welcome your input into our discussions.

James Caillouette, M.D., President

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### **People in the News**

#### Charles McElwee, M.D.

It is with sincere regret that we inform you that Charles McElwee passed away in late December after fighting cancer for several years.

Dr. McElwee was a Past President of the California Orthopaedic Association, actively involved in the Los Angles County Medical Association and a long-time participant on the California Medical Association's Political Action Committee (CALPAC) and COA's Political Action Committee (OPAC). Dr. McElwee tirelessly interviewed new candidates running for state and federal offices not only to get better acquainted with them, but to urge them to support issues important to medicine. California's tort reform, MICRA enacted in 1975, was always top on that list.

He practiced for many years in Covina.

### **Placement Classified Ads**

### Orthopaedic Surgeon Needed in Santa Barbara

Need general orthopedic surgeon part or full time to join established orthopedic spine surgeon practice in Santa Barbara. Full time position is based in Santa Barbara with once a month trips to our Bakersfield office.

Complete surgery center, pain management, physical therapy, MRI and X-ray on site. Part time position needs to be in Bakersfield once a month with surgical cases in Santa Barbara at least once a month. Great working conditions and compensation. Contact <a href="mailto:dollar9@msn.com">dollar9@msn.com</a> with resume or with any questions.

### **Electrodiagnostic Medicine**

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References are available. Husband/wife team. 10 years experience. Call Karen or Roy at: 775-626-9604 or 707-373-2187.

Winter, 2008—COA Report Page 3

## Medicare News ... No Medicare Cuts for Now

In late December, 2007, Congress passed a Medicare bill that postpones the 10% physician payment cut and instead provides a 0.5 % increase for six months. The bill also extends the current State Children's Health Insurance Program through March, 2009. It does not, however, fix California's geographic payment problems.

But the reprieve is brief. Physicians are still faced with a 10% payment reduction on July 1, 2008, unless Congress revamps the hopelessly broken formula used to calculate physician pay (or acts again with another last-minute fix).

In additional to the provisions detailed above, the bill also:

- Continues the 1.5% bonus payment for physicians who participate in the voluntary quality-reporting system.
- Extends the 5% bonus for physicians practicing in federally-designated health professional shortage areas.
- ◆ Does **NOT** cut reimbursement for outpatient imaging services.
- Does NOT include a ban on physician-owned specialty hospitals.

Go to the National Heritage Insurance Company's website: <a href="www.medicarenhic.com">www.medicarenhic.com</a> for an updated 2008 fee schedule.

Information from CMA Alert, December 20, 2007.

## In-Office MRIs New United Healthcare Policy

By: Jan Henstorf, M.D., Chair COA's Economics Committee

Orthopaedic surgeons who are part of the United Healthcare network should have received a letter from United Healthcare regarding reimbursement for in-office diagnostic services. The letter indicates that as of March 1, 2008, in order for the physician to be reimbursed for services such as MRIs, CT, PET, etc., physician offices must be accredited either by the American College of Radiology (ACR) or the Intersocietal Accreditation Commission (IAC) or at least have made application for accreditation. This new requirement does not apply to plain film x-rays.

While it seems that March 1, 2008 is some time in the future, it is not for this requirement.

Either of these accreditation processes can take several months. Since this is a nationwide requirement, we are anticipating a significant increase in the number of applications processed by each of the accrediting bodies.

Currently the accreditation bodies require reaccreditation every 3 years. COA is urging the AAOS, one of the founding members of the IAC, to work with the IAC to establish different accreditation timeframes and accreditation fees for physician offices versus free-standing diagnostic centers that have a broader range of equipment and personnel.

If you are a United Healthcare provider and have an in-office MRI, we would urge you to investigate the accreditation process. We anticipate that other carriers will eventually also require similar in-office accreditation.

Call the COA office at 916-454-9884 with any problems that you experience during the accreditation process.

### **Coding Information**

The AMA CPT Assistant has published the following coding guidelines on musculoskeletal conditions:

- ◆ Fracture and/or Dislocation—Distal Radius, October, 2007
- ◆ Coding for Debridement of the Achilles Tendon, October, 2007
- ◆ Coding Intradiscal Electrothermal Annuloplasty (IDET), September, 2007
- Total Disc Arthroplasty Procedures Performed on the Cervical/Lumbar Spine, June, 2007

To request a copy of these coding articles, fax a request to COA: 916-454-9882.

### Medicare billing for missed appointments

According to Chapter 12, Section 30.3.13 of the Medicare Claims Processing Manual, CMS policy allows physicians to charge Medicare beneficiaries for missed appointments, provided that they do not discriminate against Medicare patients, but also charge non-Medicare patients for missed appointments and that the charge is the same amount. You may view this CMS policy at: <a href="http://www.cms.hhs.gov/transmittals/downloads/r1279cp.pdf">http://www.cms.hhs.gov/transmittals/downloads/r1279cp.pdf</a> The physician has to decide whether the fee applies only to no shows or also to patients who cancel at the last minute.

### Workers' Compensation News ... State Compensation Insurance Fund —Medical Community Liaisons

Finding the right person to resolve Medical Provider Network (MPN), utilization review, and/or billing issues can be a challenge.

In an effort to improve relations with medical providers and to comply with a State of California contract requirement, State Compensation Insurance Fund has hired **Medical Community Liaison representatives** in each of their district offices. These individuals can be a good resource for you to resolve MPN or treatment issues for SCIF's injured workers.

Below is a list of SCIF Medical Community Liaison representatives by district office as of December, 2007:

SCIF DISTRICT OFFICE	Medical Community Liaison	PHONE NUMBER
BAKERSFIELD	Doris Hildenbrand - MCL	661.644.4190
EUREKA	Reuben Mendoza - MCL	707.476.1151
	Wendy White - MCL	707.476.1129
FRESNO	Elisa Moffitt - MCL	559.433.2754
LOS ANGELES/Glendale	Susan Lizardo - MCL	818.662.4058
	Brenda Coyne - MCL	818.291.7323
	Elsa Tan - MCL	818.291.7295
	Marie Deul - MCL	818.291.7307
	Hilda Hacoobei - MCL	818.291.7545
	Ray Machi - MCL	818.291.7317
LOS ANGELES/Burbank	Joan Norman - MCL	818.291.7450
OAKLAND	Rica Lasola - MCL	925.523.5759
	Kathy Simpson - MCL	707.863.5213
OXNARD	Loretta Collet - MCL	805.988.5414
	Angela Pace - MCL	805-988-5383
REDDING	Rena Miller - MCL	530.223.7108
RIVERSIDE	Donna Goldware - MCL	951.656.8412
SACRAMENTO	Markus Holden - MCL	916.924.6852
	Jessica Martinez - MCL	916.924.6890
SAN BERNARDINO	Amber Ainsworth - MCL	909.384.4952
SAN DIEGO	Grace Ann Budomo - MCL	858.552.7116
SAN FRANCISCO	Vanita Bhatia - MCL	925.523.5143
SAN JOSE	Sarah K Yip - MCL	408.363.7846
SANTA ANA	Kristine Bieber - MCL	714.565.5896
	Martin Stefen - MCL	714.479.1587
SANTA ROSA	Ann Conover - MCL	707-573-6533
	Tari Power - MCL	707.573.6484
SOUTH ORANGE	Kathy Guernsey - MCL	714.347.5187
	Norbert Redekosky - MCL	714.473.3526
STOCKTON	Julie Sarina - MCL	209.476.2670

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### Workers' Compensation News ... New Low Back Guidelines are Released

The American College of Occupational and Environmental Medicine (ACOEM) has released an extensive update to its low back disorders practice guidelines.

Subscribers to the UMK Professional (Utilization Management Knowledgebase), or the ACOEM Guidelines Electronic Version, have immediate access to the low back chapter free of charge. The printed chapter will be available in early 2008 (pre-publication orders are being taken by ACOEM).

The revised low back chapter contains the following enhancements: 1) Inclusion of numerous disorders including acute, subacute, and chronic low back pain, radicular pain syndromes, spinal stenosis, spinal fractures, sacroilitis, and spondylolisthesis, 2) Detailed recommendations regarding the use of appliances (e.g., lumbar supports, magnets), 3) On skilled non-medical therapies (e.g., massage, manipulation), ultrasound, low level laser therapy, electrical therapies (e.g., TENS, PENS), and acupuncture, 4) An in-depth review of medications and injection therapies to treat low back disorders, 5) A thorough review of surgical procedures on the low back including discectomy, spinal fusion, disc replacement, and implantable spinal cord stimulators, and 6) Tables which summarize the recommendations by clinical measure and by low back disorder.

A crucial part of the updating process was ACOEM's adoption of a new more meticulous strength-of-evidence rating methodology which incorporates the highest scientific standards for reviewing evidence-based literature. As a result, the updated low back chapter contains an even more extensive list of references – nearly 2,000 compared to the 150 plus in the previous version.

To order a subscription to the on-line version, call 800/441-9674; to order a print copy of the Guidelines, call ACOEM at 847/818-1800. Single copies of the low back chapter may be ordered for \$49.95 for ACOEM members/\$59.95 for non-members. The complete Guidelines are \$175 for ACOEM members; \$199 for non-members (which includes the updated elbow and low back chapters).

The Division of Workers' Compensation Medical Evidence Evaluation Advisory Committee is reviewing this revised chapter and will make recommendations to the Division as to whether California should adopt it for California's Workers' Compensation system. The DWC has already adopted revised guidelines for acupuncture, elbow, and chronic pain. They are currently developing guidelines on post-surgical rehabilitation services.

In addition, the American College of Physicians and the American Pain Society has published revised treatment guidelines for low back pain in the Annals of Internal Medicine, October 2, 2007. The guidelines are intended to help primary care physicians diagnose and treat low back pain. The organizations enlisted the help of specialty physician groups including spine surgeons. These guidelines are available on-line at: <a href="http://www.annals.org/cgi/content/full/147/7/478/">http://www.annals.org/cgi/content/full/147/7/478/</a>

### AMA Releases 6th Edition of the AMA Guides

The long-awaited 6th Edition of the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment has been released.

The new edition expands the guides to include quantified analysis of the impact of injuries on patients' life circumstances and has been hotly debated among regulators and other state officials trying to decide how much of a role, if any, they will play in determining workers' compensation disability awards.

A copy of the AMA's Guides can be obtained from the AMA.

Please note that California's Labor Code requires the use of the 5th Edition of the AMA Guides. It is unclear at this time, whether California will adopt the 6th Edition.

COA's QME Course at its Annual Meeting, May 16 and 18, 2008 at the Marriott Newport Beach Hotel in Newport Beach will discuss the 6th Edition and whether there are lessons we can learn from this new edition to help us in using the 5th Edition of the Guides. QME course registration materials are included with this newsletter.

### New Resources to Help COA Members:

- with the WC Utilization Review Appeals Process
- Writing a Rateable Medical-Legal Report Using the AMA Guides

are posted on COA's Website: www.coassn.org

### Workers' Compensation News ... Liberty Mutual MPN Uses the Blue Cross Network

On October 18, 2007, Liberty Mutual sent a notice to providers in their Workers' Compensation Medical Provider Network notifying them that they would no longer be using the First Health network to treat their injured workers. As of November 1, 2007, Liberty Mutual will be using a customized version of the BC Life and Health Insurance Company. This is essentially the Blue Cross PPO network. This does not mean that just because you are a Blue Cross PPO provider, you will automatically be included in the Liberty Mutual MPN. They have customized their list and only selected some of the providers in the Blue Cross PPO network.

You can go to Liberty Mutual's Provider Directory at: <a href="https://www.libertymutualprs.com">www.libertymutualprs.com</a> to see if you are included in their network.

Liberty Mutual says that when they were selecting providers, they took into consideration that it is difficult for one physician in a group to be part of a network, but not others in the same group. To help minimize these problems, Liberty Mutual did their selection based on tax-ID numbers. If you find that not all members of your group have been included in the network or that your practice has not been included, you can submit an application to be included in the network. The application is at the following link:

https://providersupport.lmig.com/provsupp/controller?
cmd=managedcareapp&ps\_action=view\_managed\_care\_provid
er\_app&ps\_comp=034

Liberty Mutual case managers will also be calling providers who are no longer part of their network to discuss either a transition of care to another provider or a continuation of care for patients currently under your care. Those decisions will be made on a case-by-case basis.

How will this change affect reimbursement levels? For providers who are included in the new Liberty Mutual MPN, reimbursement will be based on their contracted Blue Cross rates.

For providers who have not been included in the new Liberty Mutual MPN and have been given authorization by the claims case managed to continue to treat the injured worker, reimbursement will be at the state Official Medical Fee Schedule (OMFS) for charges incurred on and after 11/1/07.

Questions should be directed to Liberty Mutual at 559-435-2144 Extension 65852. In you find inaccuracies in the Blue Cross PPO list, contact Blue Cross directly at: bccnominations@wellpoint.com or call: 1-866-700-2168.

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*Contact Steve Ounjian*: 1-800-242-0880

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### **Legislative News of Interest**



### AB 1073 (Nava) Workers' Compensation Post-Surgical Rehabilitation Services—Good News

Assemblyman Pedro Nava of Santa Barbara introduced AB 1073 in 2007 at the request of COA. AB 1073 exempts post-surgical rehabilitation services for injured workers from the 24 visit cap. COA members complained that Workers' Compensation utilization reviewers would not approve additional rehab visits if the injured worker had already used up the 24 visits, often before they are even referred to a specialist. The Chamber of Commerce and some Workers' Compensation carriers opposed the bill.

We are pleased to report that AB 1073 was signed into law and became effective January 1, 2008. In its final form, the bill exempts post-surgical rehabilitative services from the cap, if the services are consistent with rehabilitation guidelines developed by the Division of Workers' Compensation. The DWC has given the development of these guidelines a high priority. We are expecting to see a draft posted in early 2008.

### Action Requested—Urge a "No" vote AB 1444 (Emmerson) Physical Therapist—Direct Access

Assemblyman Bill Emmerson remains committed to the passage of AB 1444 which would allow a physical therapist to initiate treatment without a physician and surgeon first evaluating the patient and making a diagnosis. The bill is sponsored by the California Physical Therapy Association (CPTA) as part of a nationwide effort for physical therapists to gain direct access to patients.

Due to COA and CMA opposition, the bill missed its legislative deadlines in 2007 and has become a two-year bill. The CPTA is working hard to gain support for the bill. They fail to acknowledge the role and importance of a physician and surgeon in making a diagnosis to rule out underlying medical problems before physical medicine services are initiated. The bill will be heard in the Assembly Business & Professions Committee on January 15, 2008.

### COA has urged its members to contact members of the Assembly Business & Professions Committee to urge a "No" vote on the bill.

Letters should be faxed to the following Assembly Members:

Mike Eng, Chair	916-319-2149		
Bill Emmerson	916-319-2163	Bill Maze	916-319-2134
Karen Bass	916-319-2147	Curren Price	916-319-2151
Wilmer Amina Carter	916-319-2162	Alberto Torrico	916-319-2120
Mary Hayashi	916-319-2118		
Edward Hernandez	916-319-2157	Rebecca May	916-319-3306

# CPLH 2007

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The content of the 2007 California Physician's Legal Handbook will be available free to CMA members at the members only "CMA ON-CALL" section of CMA's Website: http://www.cmanet.org

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