TMA Launches Health System Reform Campaign

Believing that President Obama and Congress must slow down and get health system reform right, the Texas Medical Association has launched the “Me and My Doctor, We Know Best” patient-physician action campaign.

“The most important people in the national health care debate are sitting in your exam room right now,” said TMA President William H. Fleming III, MD. “Working together, physicians and patients need to make sure Congress and the president fix what’s wrong with our health care system and keep what’s good.”

The “Me and My Doctor, We Know Best” action campaign includes:

- Patient education materials being sent to physicians for waiting rooms or exam rooms, bumper stickers for staff/colleagues/patients, and pre-addressed postcards for patients to send to President Obama and Congress. The packets will be mailed. Please share these materials with patients. If you need more, call the TMA Knowledge Center at (800) 880-7955.

- [www.MeAndMyDoctor.com](http://www.MeAndMyDoctor.com) – an online advocacy center for patients. This special campaign Web site stays up to date with what patients need to know about the health care debate. It gives them an easy way to find and contact their senators and representative. It allows them to share their thoughts and concerns with TMA or write a letter to the editor of their local newspaper. The latest in social media tools, like a Facebook Cause campaign and a Twitter petition, are included.

- TMA and county medical societies are holding a statewide series of health care reform “House Calls,” two-hour public sessions during which physicians listen to their patients’ concerns about the health care system. These listening sessions – so different from the shouting-match town hall meetings we’ve seen across the country – are eliciting positive news media coverage on the issues and on how physicians work closely with patients, for patients.

- Keeping you engaged. We still have a long way to go in what the folks in Washington call “the legislative process.” You need to stay in touch with your senators and representative. TMA will provide up-to-the-minute action alerts that allow physicians to send the right message to Congress with ease. September’s Texas Medicine magazine includes two more “Me and My Doctor” posters. And health system reform will be the topic at 2009 TMA Fall Conference, Sept. 5 in Austin.

“I truly believe this debate will be the defining moment for this generation of American physicians. The outcome could be terribly good … or just plain terrible,” Dr. Fleming said. “Please join with your patients and your colleagues in TMA in this critical engagement. Remember, ‘We and Our Patients, We Know Best.’”

Dr. Fleming said thus far only one big health care bill is moving in Congress: HR 3200 in the House of Representatives. “But the Senate will have its own bill. And there will be amendments and negotiations and compromises. TMA will continue to watch all of this carefully,” he said.

Here’s what TMA is telling the Texas congressional delegation about HR 3200:

**Real Medicare Financing Reform**

HR 3200 takes some important steps. It stops the 21.5-percent cut in physicians’ Medicare payments scheduled for next year and fills a huge deficit in the Medicare financing budget. But the bill does not do away with the fatally flawed Sustainable Growth Rate (SGR) formula, which means the cuts would start coming right back. TMA wants Congress to replace the SGR with a rational Medicare physician payment system that automatically keeps up with the cost of running a practice and is backed by a fair, stable funding formula.

Continued on Page 2
Continued from Page 1

Health Insurance Reform
TMA supports those parts of HR 3200 that outlaw coverage denials for preexisting conditions, control premium increases, require health plans to demonstrate they are providing access to an adequate network of physicians, and address medical loss ratios. But that doesn’t go far enough. Congress needs to hold health insurance companies accountable to the promises they make for the premium dollars they receive.

National Tort Reform
All Americans deserve the benefits Texas has enjoyed since the passage of our 2003 health care liability reforms. HR 3200 has no significant liability reforms and no promise that it would protect strong state laws like we have in Texas.

Public Plan Protections
No one knows how the “public option insurance plan” would really work. TMA insists that any new public plan:

• Give individual physicians the choice of whether to participate;
• Give physicians and patients the choice of privately contracting outside of the system; and
• Base physician payments on negotiated market rate, not Medicare rates.

Patient Choice and Physician Ownership
HR 3200 imposes stark limitations on physician ownership of hospitals and other health care facilities. TMA believes that the innovation and excellent patient care that has come from such leading, physician-owned institutions as the Mayo Clinic and Scott & White Clinic are exactly what Congress needs to promote now.

Source: Action, Aug. 17, 2009

Interested in the NCMS Alliance?
NCMS Alliance is holding a Coffee Meeting for its members and those interested in the Alliance. Join them on Thursday, Sept. 10, at the home of Elizabeth Vanexan. The NCMS Alliance consists of the spouses (men or women) of NCMS physicians, who enjoy each others company while at the same time make a difference in the community. For more information, contact Keely Hunsaker at 854-1756 or Bridget McKeever at 854-5592.

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Public Health Focus

CDC changes recommendations on exclusion period

CDC changed its recommendation related to the amount of time people with influenza-like illness should stay away from others (the exclusion period) on Aug. 5. New guidance indicates that people with influenza-like illness should stay home for at least 24 hours after their fever is gone (without the use of fever-reducing medicine). A fever is defined as having a temperature of 100° Fahrenheit or 37.8° Celsius or greater.

This is a change from the previous recommendation that ill persons stay home for 7 days after illness onset or until 24 hours after the resolution of symptoms, whichever was longer.

The new recommendation applies to camps, schools, businesses, mass gatherings, and other community settings where the majority of people are not at increased risk for influenza complications. CDC recommends this exclusion period regardless of whether or not antiviral medications are used. This guidance does not apply health care settings where the exclusion period continues to be for 7 days from symptom onset or until 24 hours after the resolution of symptoms, whichever is longer. (See www.cdc.gov/h1n1flu_guidelines_infection_control.htm for guidance on infection control in health care settings.) To read the complete revised guidance go to www.cdc.gov/h1n1flu_guidance/exclusion.htm.

Source: CDC

‘HOT’ Member Benefit

Members can order additional copies of the Nueces County Medical Society Pictorial Directory at a member rate of only $20. Order additional copies so both you and your office staff can have easy access to take advantage of the physician listings and helpful resource numbers. As a member, you are included in and receive one complimentary copy of the Directory. The Directory is the most comprehensive medical reference guide for Nueces County.

To order your additional copies, go to www.nuecesmedsociety.org or contact Sandra or Susan at 361-884-5442.

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Mathew T. Alexander, M.D. and Stefan Konasiewicz, M.D.

would like to welcome...

Melissa Y. Macias, M.D., Ph.D.

After studying in San Antonio and El Paso, Dr. Macias moved to Milwaukee, Wisconsin, where she earned a Ph.D. and M.D. from the Medical College of Wisconsin. During her doctoral work, she worked as a NASA Payload Specialist, participating in several life science missions and pilot studies. Dr. Macias completed her residency and fellowship at the Department of Neurology, Medical College of Wisconsin. She specializes in the management of complex spine and cranial disorders with an emphasis on an individual approach to patient care. During her residency, a full year was dedicated to the comprehensive management of spine disease. Dr. Macias has extensive research experience in spinal cord injury and has authored both peer-reviewed publications and book chapters in this area. She is committed to the clinical treatment of both brain and spinal cord injured populations.

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September 2009

Nueces County Medical Society
TMA’s 2009 Fall Conference focuses on health system reform

As a more cohesive demand for health system reform arises from public, business, labor, and physician groups, the debate about the best way to achieve it and pay for it intensifies. Take this opportunity to participate in this discussion at TMA’s 2009 Fall Conference Sept. 4-5 in Austin.

AMA President Dr. J. James Rohack and Task Force on Health System Reform Chair Dr. Nancy W. Dickey will head the General Session. The tentative conference agenda is:

- **Friday:** Board, Council, and Committee Meetings, (TMA building and Hyatt)
- **Saturday:** 7:30-8 a.m. Conference-wide breakfast buffet
  8-10 a.m. General Session: Health System Reform with Dr. Nancy Dickey, chair of TMA Task Force on Health System Reform, and Dr. J. James Rohack, AMA President.
  10:30 a.m. Board, Council, Committee Meetings (Hyatt)

Register online for this important conference at [www.texmed.org](http://www.texmed.org) (click on the 2009 TMA Fall Conference Web banner on the right.) If you have questions, contact TMA Knowledge Center at 880-880-7955 or knowledge@texmed.org.

Source: TMA

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TMA arranges for e-mail drug alerts

Get important U.S. Food and Drug Administration (FDA)-required drug warnings delivered straight to your desktop from Health Care Notification Network (HCNN), a service that sends drug and medical device recalls and safety alerts to physicians electronically, replacing the old paper process that was slow and error prone.

TMA has arranged for physicians to receive FDA alerts as soon as they are issued. HCNN is free to TMA members and fulfills the FDA guidance promoting electronic delivery of drug warnings. It is supported by medical societies and medical liability carriers because it eliminates delay and reduces your professional liability. Register at [www.hcnn.net](http://www.hcnn.net).

Source: TMA

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Join the Texas Medical Association (TMA) for the continuing distance learning seminar series covering risk management issues. The one-hour, lunchtime audio seminars are a quick, no-hassle way for you and your office staff to learn more about medical-legal compliance and practical ways to reduce the potential for professional liability without ever having to leave the office.

The next seminar is:

**Thursday, September 24, Noon to 1 p.m.**

*Professional Courtesy, Waiving Copays, and Charity Care Requirements*

Due to an upsurge in government's efforts to ensure accurate claim billing, and federal laws addressing physician referral and patient relationships, the legality of this tradition has been called into question. This seminar will take a look at how professional courtesy is defined, the guidelines for its provision, and considerations that must be made to steer clear of potential fraud liability.

For more information go to [www.texmed.org/Template.aspx?id=7728](http://www.texmed.org/Template.aspx?id=7728) or contact the TMA Knowledge Center at 1-800-880-7955.

Source: TMA

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**EMERGENCY ADDRESSES/NUMBERS** (physicians only)

In the event of an emergency, natural or man-made, please refer to the following web addresses and phone numbers for updated physician instructions:

- [www.nuecesmedsociety.org](http://www.nuecesmedsociety.org)
- [www.texmed.org](http://www.texmed.org)

826-1186 (Emergency Operations Center) 254-219-7848 (NCMS Satellite phone)

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ACLs Renewal & Provider Courses

The South Coastal Area Health Education Center (AHEC) will sponsor ACLS Provider/Renewal Courses on Friday and Saturday, September 25 & 26, 2009, from 8:00 a.m. to 4:00 p.m. The courses will be held at CHRIS-TUS Spohn Corpus Christi Memorial Hospital. Check-in begins at 7:30 a.m.

The Provider course is a full Friday and half day on Saturday; fees are $250.00 for physicians and dentists and $200.00 for residents. Registration fee covers the updated AHA / ACLS Provider Manual, study materials, continental breakfast and lunch. The Nueces County Medical Education Foundation is accredited by TMA to sponsor CME for physicians and designates this activity as meeting the criteria for 16 credit hours in Category 1 of the PRA of the AMA.

The Renewal course is a full day on Saturday; fee is $175.00. Registration fee covers the updated AHA/ACLs Provider Manual, study materials, refreshments, continental breakfast and lunch. Attendees must present a current ACLS card at the door for verification upon check-in. The Nueces County Medical Foundation is accredited by TMA to sponsor CME for physicians and designates this activity as meeting the criteria for 8 credit hours in Category 1 of the PRA of the AMA.

For information, contact Mary Moreno at 902-4467 or Email: m.moreno@christushealth.org.

TMA Seminar

Medical Records: How to Manage Them Properly, Wisely, Safely, and Risk Free

This seminar is designed for physicians, medical office managers, and administrative staff who regularly handle medical records as well as peers who are interested in limiting medical records liability. Front office staff may also benefit because of their need to provide medical records documentation.

Date/Time: Wednesday, Sept. 23, 9 a.m. to 4 p.m.
Location: Omni Hotel, Marina Tower, 707 N. Shoreline Blvd.
CME: TMA designates a maximum of 5 AMA PRA Category 1 credits
Costs: $179 for TMA members or their staff, $159 for three or more enrollees from the same office (members only), $229 for nonmembers.
Contact: TMA 800-880-1300, ext. 1419 or visit www.texmed.org and click on practice management.

Looking for office space?

See NCMS office space at 1000 Morgan Avenue - 986 sq. ft available
For more information,
contact Paulette Shaw, 884-5442.
Medicare Corner

Medicare Recovery Audit Contractor (RAC)

One of the new Medicare acronyms that seems to be the most talked about in the physician lunch areas and medical staff meetings is “RAC.”

The Recovery Audit Contractor (RAC) is required under the U.S. Tax Relief and Health Care Act of 2006. Its task is to detect and correct past improper Medicare payments so that the Medicare Administrative Contractor (MAC) and the Centers for Medicare and Medicaid Services (CMS) can implement actions that will prevent future improper payments. In Texas, TrailBlazer Health is the MAC and Connolly Consulting, LLC, is the RAC.

According to CMS, RACs were implemented for three reasons:

1. Physicians and other providers can avoid submitting claims that do not comply with Medicare rules;
2. CMS can lower its error rate; and
3. Taxpayers and future Medicare beneficiaries are protected.

First things first

It is very important that physicians get prepared and organized for the RAC implementation. Connolly has submitted issues to review to CMS and is awaiting approval. Audit issues will be posted on Connolly’s Web site at http://www.connollyhealthcare.com. Right now, the first thing you should do is complete and submit a “Request for Contact Information” form to Connolly, which can be found at http://www.connollyhealthcare.com/pdf/Connolly%20Information%20Form.pdf. It is important that Connolly has your correct contact information. It also is important that you keep this information current. If Connolly needs to contact you, you want to make sure that you receive the information in a timely manner since you have a limited time to respond (45 days).

Educational tools

The Texas Medical Association, CMS and Connolly have put together an audio presentation (45 minutes) along with a Power Point slide presentation for members and their staff. Take some time to review this very important information. (FYI – you may want to put together a “learn at lunch” between a few offices so that a networking discussion and education can occur).

Source: CMS
Red Flags rule extended to Nov. 1

The Federal Trade Commission (FTC) staff will redouble its efforts to educate about compliance with the “Red Flags” Rule and ease compliance by providing additional resources and guidance to clarify whether businesses are covered by the Red Flags Rule and what they must do to comply. To give creditors and financial institutions more time to review this guidance and develop and implement written identity theft prevention program, the FTC will further delay enforcement of the Rule until Nov. 1.

The Red Flags Rule is an anti-fraud regulation, requiring “creditors” and “financial institutions” with covered accounts to implement programs to identify, detect, and respond to the warning signs, or “red flags,” that could indicate identity theft. The financial regulatory agencies, with the FTC, developed the Rule, which was mandated by the Fair and Accurate Credit Transactions Act of 2003 (FACTA). FACTA's definition of “creditor” includes any entity that regularly extends or renews credit—or arranges for others to do so—and includes all entities that regularly permit deferred payments for goods or services. Accepting credit cards as a form of payment does not, by itself, make an entity a creditor. “Financial institutions” include entities that offer accounts that enable consumers to write checks or make payments to third parties through other means, such as other negotiable instruments or telephone transfers.

The FTC’s Red Flags Web site, www.ftc.gov/redflagsrule, offers resources to help entities determine if they are covered, and if they are, how to comply with the Rule. It includes an online compliance template that enables companies to design their own identity theft prevention program through an easy-to-do form, as well as articles directed to specific businesses and industries, guidance manuals, and Frequently Asked Questions to help companies navigate the Rule.

Although many covered entities have already developed and implemented appropriate, risk-based programs, some—particularly small businesses and entities with a low risk of identity theft—remain uncertain about their obligations. The additional compliance guidance that the Commission will make available shortly is designed to help them.

Commission staff will create a special link for small and low-risk entities on the Red Flags Rule Web site with materials that provide guidance and direction regarding the Rule. The Commission has already posted FAQs that address how the FTC intends to enforce the Rule and other topics—www.ftc.gov/bcp/edu/microsites/reflagsrule/faqs.shtm. The enforcement FAQ states that Commission staff would be unlikely to recommend bringing a law enforcement action if entities know their customers or clients individually, or if they perform services in or around their customers’ homes, or if they operate in sectors where identity theft is rare and they have not themselves been the target of identity theft.

The three-month extension, coupled with this new guidance, should enable businesses to gain a better understanding of the Rule and any obligations that they may have under it. These steps are consistent with the House Appropriations Committee’s recent request that the Commission defer enforcement in conjunction with additional efforts to minimize the burdens of the Rule on health care providers and small businesses with a low risk of identity theft problems. The announcement that the Commission will delay enforcement of the Rule until Nov. 1, 2009, does not affect other federal agencies’ enforcement of the original Nov. 1, 2008, compliance deadline for institutions subject to their oversight.

The Federal Trade Commission works for consumers to prevent fraudulent, deceptive and unfair business practices and to provide information to help spot, stop, and avoid them. To file a complaint in English or Spanish, call 1-877-FTC-HELP (1-877-382-4357). The FTC enters complaints into Consumer Sentinel, a secure, online database available to more than 1,500 civil and criminal law enforcement agencies in the U.S. and abroad. The FTC Web site, www.ftc.gov, provides free information on a variety of consumer topics.

Source: AMA

We need volunteers for November’s ‘Ask the Doctor’ Series!

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Executive Board Actions

At its August 3rd meeting, the Executive Board took the following action:

⇒ It was agreed to schedule a meeting with emergency preparedness staff coordinators at each of the hospitals.

⇒ It was agreed that Dr. McKeever would draft a letter for Sen. Cornyn regarding health system reform and email to Executive Board members for input.

⇒ It was agreed to continue efforts to schedule meeting with Congressman Solomon Ortiz regarding health system reform.

⇒ It was agreed to schedule TMA Town Hall meeting regarding health system reform for Aug. 26, at Driscoll Children’s Hospital Auditorium.

⇒ It was agreed to reduce the number of KIII-TV 'Ask the Doctor' shows for the month of November to two or three and that the topic for the Nov. 2 show should be swine flu.

September Calendar

| Fri & Sat 9/4-5 | TMA Fall Conference in Austin |
| Monday 9/7 | Labor Day, NCMS offices closed |
| Wednesday 9/9 | Membership Meeting CC Country Club 6:15 pm |
| Sunday 9/13 | Grandparents Day |
| Monday 9/14 | Executive Board Meeting 6pm |
| Wednesday 9/16 | Mexico Independence Day |
| Saturday 9/19 | Rosh Hashanah |
| Monday 9/28 | Yom Kippur |

UPCOMING CONFERENCES

Physicians Under fire

**WHO:** TMA

**WHEN:** Sept. 18 & 19, registration and welcome reception, Sept. 18, 7-8 pm

**WHERE:** The Westin La Cantera Resort, 16641 La Cantera Pkwy., San Antonio

**HOW:** Call 1-800-880-7955 or register online at: www.texmed.org/Public/Events/ViewSeminar.aspx

**WHAT:** 6.5 AMA PRA Category 1 credits and 1 hour ethics

TMA Protected Health Information: Medical Records Seminar

**WHO:** TMA

**WHEN:** Sept. 23, 8:30 am - 4 pm

**WHERE:** Omni Hotel, Marina Tower 707 Shoreline Blvd. (361)887-1600

**TOPICS:** HIPAA, Red flag rules and EHR - (Earn a TMLT discount)

**HOW:** Contact NCMS for more information at 884-5442 or online at: www.texmed.org

**WHAT:** 1 AMA PRA Category 1 credits

RISK MANAGEMENT Web Seminars

**WHO:** TMA Practice Management Services

**WHEN:** Sept. 24, Oct. 14, Nov. 12 and Dec. 3, Noon to 1 pm; dial in at 11:45 am

**TOPICS:** Sept. 12 - Professional Courtesy; Oct. 14 - Medical Records; Nov. 12 - Corporate Practice of Medicine; Dec. 3 - Health System Reform

**HOW:** Call 1-800-880-7955 or register online at: www.texmed.org

**WHAT:** 1 AMA PRA Category 1 credits
Membership Meeting

The Membership Meeting will be Wednesday evening, September 9th, at the Corpus Christi Country Club, 6300 Everhart Rd.

Medtronic is our sponsor for the evening and Mathew Alexander, MD of South Texas Brain and Spine Center will give a presentation on Deep Brain Stimulation: the future of brain surgery and an update on Balloon Kyphoplasty.

State Representative Todd Hunter will speak during the business meeting.

The social will begin at 6:15 p.m. followed by a buffet dinner at 7:00 p.m.
No charge for NCMS and RPO members.
Spouses are welcome and encouraged to attend.
Cost for spouses is $18.00 and $30.00 for nonmembers/guests.

Please call 884-5442 by 5:00 p.m. on Friday, September 4th to make your reservations

There will be no CME provided.