

IMS Advocate

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Key legislation

HF 781 – Establishes a direct-entry lay midwife scope of practice review committee. IMS opposes.

HF 234; SF 16 – Require insurance coverage for mental health conditions, including substance abuse treatment. IMS supports.

HF 795 – Relates to the choice of doctor for injured employees in Workers' Compensation cases. IMS is monitoring.

SF 3 – Sets a .08 blood alcohol limit for boat operating. IMS supports.

SF 153 – Allows physician assistants to form professional corporations. IMS opposes.

HF 478 – Requires coverage for diabetes education. IMS supports.

SF 261 – Establishes a pilot physician assistant mental health fellowship program. IMS is monitoring.

HF 758 – Modifies damages recoverable for negligent or wrongful injury/death. IMS opposes.

SF 394 – Requires a circulating nurse in operating rooms during surgical procedures. IMS opposes.

DUR seeks physician input

The Iowa Medicaid Drug Utilization Review (DUR) Commission requests input from physicians on proposed clinical prior authorization criteria for extended release formulations and modified formulations. Read the DUR letter on the IMS Web site, www.iowamedical.org, and submit any comments to enemmers@iowamedical.org by Friday, April 10.

IMS grassroots strong in midwife, PA efforts

As the legislative session continues, IMS has notified you when we have needed your help contacting legislators on issues, and you have responded in force!

The House took up legislation that would license direct-entry lay midwives. IMS asserts that this is contrary to Iowans' safety. IMS members sent over 1,200 messages to members of the House opposing this bill. Because of your voice, the bill was stripped of harmful language and, instead, requires a committee to look at the issue before next year.

Meanwhile, the Senate continued discussion on **SF 153**, which would allow PAs to form professional corporations. Again, the voice of medicine was strong and hundreds of messages were sent to senators. Unfortunately, the bill still passed the Senate and is moving to the House. Please watch for a VoterVoice alert from IMS next week on this issue.

IMS is still following other bills of importance, including **HF 234**, the mental health and substance abuse parity bill. Additionally, all of us will be closely watching appropriations bills that will now be moving forward. Recently released state revenue forecasts show a sharp decrease in state funds for the remaining FY 2009 budget and the FY 2010 budget. This will likely lead to contentious budget discussions. Stay tuned!

Legislature discusses workers' compensation "doctor choice"

Legislators continue to discuss bills related to Iowa's Workers' Compensation (WC) system. One bill of interest to physicians relates to "doctor choice" for employees. Under current WC laws supported by business and industry, employers pre-select providers for employees injured on the job. Organized labor states that this is unfair and employees should be allowed to pre-select providers. Physicians in fields such as occupational medicine assert that the current system, which favors employees being treated by physicians with considerable experience treating workplace injuries, is the best way to deliver effective, efficient health care. However, some family practice physicians believe that employees pre-selecting their primary care providers to first see injuries better supports the patient-centered medical home model of care. IMS and AMA members have developed no policy on this issue and, as such, IMS remains neutral on the legislation. It does appear that more modest compromise legislation may be developed in contrast to the current bill, **HF 795**, which would be a drastic departure from current practice.

FTC asserts Red Flags Rule applies to physicians

IMS joined 98 other groups in protesting application of the Red Flags Rule to physician practices. However, the FTC maintains that the Rule applies to physician practices that "regularly defer payment for goods or services." The FTC believes compliance does not impose significant burdens upon physicians and can protect patients from medical identity theft. The AMA continues to advocate against this but also is developing educational tools to assist physicians with medical identity theft prevention measures. IMS also plans to offer a webinar on this issue, including discussion of the Red Flags Rule.



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Iowa Pharmacy Board proposes rules for Rx monitoring program

In 2006, the Iowa General Assembly passed legislation establishing an electronic database to receive information on outpatient prescriptions for controlled substances dispensed by Iowa pharmacies. Since then, the Iowa Board of Pharmacy (IBP) has been working with that prescription monitoring program's (PMP) advisory committee to put the PMP in place. IMS participated in the drafting of legislation and the administrative rules, which are available at www.state.ia.us/ibpe/pmp.html. A public hearing on the rules is scheduled for April 30.

Pharmacies would be required to submit to the PMP required information on each Schedule II, III, and IV controlled substance prescription received by the pharmacy. Physicians will be able to access information from the PMP regarding a named patient for treatment purposes but, by law, they are not required to do so. To be able to access the PMP, physicians need to register at <https://pmp.iowa.gov/IAPMPWebCenter/>. It can take up to a week to process a request. Once granted access, a physician can request PMP information via secured Internet access, mail, or fax. Physicians cannot delegate their PMP access except in an emergency. Licensing boards and law enforcement agencies can access the PMP only for specific investigation purposes with legal process supported by probable cause. The PMP is funded by a grant from the U.S. Department of Justice. The program is due to expire as of July 2009 but the IBP has introduced legislation, **HF 122**, to extend it for two years.

Governor appoints three to Board of Medicine

Governor Culver has forwarded three names to the Senate for confirmation to the Iowa Board of Medicine (IBM). Analisa Haberman, DO, a family medicine physician practicing in Mason City and an IMS member, replaces Carole Frier, DO, Des Moines. Siroos Shirazi, MD, a general surgeon at UIHC in Iowa City and an IMS member, has been reappointed. Ambreen Mian from Ames is a new consumer member of the IBM and replaces Janece Valentine, JD, from Fort Dodge. IBM members serve three-year terms, with a maximum of three terms. Current members serve through the April meeting.

Iowa Medicaid requires use of modifier "26"

Iowa Medicaid providers billing on the CMS 1500 claim form or its electronic equivalent are reminded that the procedure code modifier "26" is required when providing only the "professional" component of an applicable procedure. Effective April 1, 2009, Iowa Medicaid will no longer automatically add the "26" modifier; instead, all claims received after this date will be paid as submitted. See Informational Letter No. 786 for more information.

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