

IMS Advocate

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Share RAC concerns

IMS would like to hear about any problems or issues with Health-DatInsights (HDI), Iowa's Medicare Recovery Audit Contractor. Direct comments to Sandy Nelson at snelson@iowamedical.org.

Miller-Meeks wins primary

Mariannette Miller-Meeks, MD, former IMS president, won the Iowa 2nd District Republican congressional primary on Tuesday, June 8. Dr. Miller-Meeks, an Ottumwa ophthalmologist, will face Rep. Dave Loebsack. This fall's election will be the second match-up between the two candidates.

IBM advances pain rule

On June 11, the Iowa Board of Medicine (IBM) voted to adopt a rule defining interventional chronic pain management (ICPM). The proposed rule declares ICPM as the practice of medicine. IMS has been a strong proponent of this rule and has been advocating for rule adoption for three years at the direction of the 2007 IMS House of Delegates.

ICPM is a very complex, specific subset of pain management that is a recognized medical subspecialty. Physician advocates continue to assert that ICPM is the practice of medicine and requires the education and expertise of an MD or DO. Without this background, allied health care practitioners engaging in this medical subspecialty could endanger their patients.

Congress still deliberating Medicare physician payments

The Senate will not vote on the tax extenders bill containing the Medicare physician payment fix prior to Tuesday, June 15, which is the date when the 10-day CMS hold on claims ends. This hold has only affected claims with dates of service June 1 and later. On June 15, Medicare contractors can use the reduced rate to start processing clean electronic claims with a date of service of June 1. To avoid claims being processed with the 21.3 percent cut, providers may want to delay submitting claims with a service dates June 1 or after until it is known what action Congress might take.

As passed by the House of Representatives, the bill would provide a 2.2 percent increase to physician payments in lieu of the 21.3 percent cut for the rest of 2010. The increase would be retroactive to June 1. The bill also provides for a one percent increase in 2011. In 2012, the conversion factor again would be subject to the cut. IMS, the AMA, and others continue to press for a permanent solution to the flawed Medicare physician payment formula. Continue to follow this issue on www.iowamedical.org.

Red Flags Rule delayed again; AMA files lawsuit

The Federal Trade Commission (FTC) has further delayed enforcement of the Red Flags Rule until the end of the year while Congress considers legislation that would affect the scope of entities affected by the Rule. The Rule, with an original effective date of November 1, 2008, has been delayed several times. It requires organizations to develop and implement written identity theft prevention programs.

The AMA and the American Osteopathic Association filed suit in federal court seeking to prevent the FTC from extending the Rule to physicians. The organizations argue that the Rule's application to physicians is arbitrary, capricious, and contrary to the law. More specifically, the complaint states that the grouping of physician offices with financial creditors is unjustifiable, especially in an already heavily regulated health care environment that focuses on patient confidentiality and information security.

Iowa does not allow e-prescribing of controlled substances

The federal Drug Enforcement Agency (DEA) released a final interim rule, effective June 1, permitting electronic prescriptions for schedule II-V controlled substances. The Iowa Board of Pharmacy (IBP) has advised that its current rules prohibit electronic prescribing of controlled substances. The IBP is working to amend those rules; until then, electronic prescribing of controlled substances is not permissible in Iowa.

Changes to the DEA rule are still possible based on public comments. The AMA and other medical organizations submitted comments raising many points of concern regarding the tough, sometimes unworkable, requirements of the rule. To access the rule, go to <http://edocket.access.gpo.gov/2010/pdf/2010-6687.pdf>. The AMA and others continue to advocate with CMS to ensure that physicians are eligible for Medicare e-prescribing/EHR incentives even if the physician does not e-prescribe controlled substances.



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Physicians need to be enrolled in PECOS by July 6, 2010

Any physician who refers or orders services (DMEPOS, home health, specialist services, lab, or imaging) will need to be enrolled with Medicare in the Provider Enrollment, Chain and Ownership System (PECOS) by July 6, 2010. This includes any physician who has not submitted an updated enrollment application to Medicare since November 2003 or has had a change to their enrollment information during this time but has not reported the change. If physicians are not enrolled by July 6, the physicians to whom they refer patients will see their claims reject. As of May, only 69 percent of Iowa physicians had enrolled.

While this deadline may be extended, physicians and other providers should not delay, as the enrollment process can take 30-60 days. To verify current PECOS enrollment, you may contact WPS Medicare enrollment at (866) 503-7664 or check the "Medicare Ordering and Referring File" periodically updated on the CMS Web site: www.cms.gov/MedicareProviderSupEnroll/06_MedicareOrderingandReferring.asp#TopOfPage.

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Under the new CMS policy, physicians who have opted out of Medicare will not be required to enroll in PECOS – they must just have the correct paperwork filed with CMS indicating this status. Physicians who have opted out should call WPS Medicare to verify their status.

IBM proposes new rule regarding medi-spa medical directors

After abandoning a previous draft, the Iowa Board of Medicine (IBM) has offered a revised rule regarding physicians serving as medical directors of medical spas. This revised rule states that the performance of medical aesthetic services is the practice of medicine and then defines "medical aesthetic service" to include several procedures. If a physician agrees to serve as a spa's medical director, the physician must delegate and supervise non-physician personnel performing medical aesthetic services at the spa.

Physician medical directors must meet the rule's qualification standards and must comply with the rule's supervision requirements. The rule exempts from its requirements those medical directors of licensed medical facilities, clinics, or practices that provide medical aesthetic services as part of or incident to their other medical services. The rule does not apply to a dermatology practice wholly owned and controlled by one or more Iowa licensed physicians if at least one of the owners is actively practicing at each location. The IBM will accept written public comments until July 20; a public hearing will be held that same day. Go to www.medicalboard.iowa.gov to review the proposed rule.

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