



DENVER MEDICAL BULLETIN

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Explaining the Michael Skolnick Medical Transparency Act

The Denver Medical Society sponsored its third informational session on the Michael Skolnick Medical Transparency Act to an overflowing group of physicians and practice managers at Exempla St. Joseph's Mullen Auditorium on January 15, 2009. Anne R. Cox, JD, in-house counsel for COPIC, presented the program regarding the increasing reporting requirements mandated of physicians seeking an original Colorado medical license or filing for a renewal of an existing license.

As reported in the October 2008 *Denver Medical Bulletin*, physicians will be required to file not only personal and professional disciplinary actions, but also any business arrangements related to healthcare or health products in which they participate. All license renewals must be completed **online** at www.doradls.state.co.us/ and address the following information:

- Name
- Aliases
- Current address
- Telephone number
- Information regarding all medical licenses ever held
- Current Board Certifications
- Practice specialty (ies)
- Affiliations with hospitals and healthcare facilities
- Current ownership interests in businesses
- Current employment contracts
- Public disciplinary actions against a medical license
- Agreements and Stipulations to temporarily cease medical practice

- Involuntary hospital or healthcare facility privileging actions
- Involuntary surrender of a DEA registration
- Criminal convictions or plea arrangements for felonies and crimes of moral turpitude
- Judgments, settlements and arbitration awards for medical malpractice claims
- Refusal by an insurance carrier to issue medical liability insurance



Anne Cox, JD, speaker

Since 2008, all physicians new to Colorado have had to complete this profile as a condition of licensure. Physicians wishing to see how the information is displayed to the public can visit the BME's website www.dora.state.co.us/medical/physicianprofile.htm.

The Colorado Medical Society and COPIC have been working with Ms. Patty Skolnick and Sen. Morgan Carroll (the original bill sponsor) on modifications to the

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Act. Some of the agreed upon principles which are anticipated to be included in a new bill to be introduced in the 2009 legislative session incorporate efforts to:

- Clarify in the law that reporting of business interests applies only to healthcare-related business interests
- Change required updates from 30 days after a change in business holdings to an annual update
- Require reporting of healthcare employment contracts or contracts establishing independent contractor relationships only if the annual aggregate amount is \$5,000 or more. (BME may make annual adjustments to reflect inflation.)
- Exempt precautionary and administrative suspensions from reporting to the BME
- Limit lookback period for reporting peer review findings to 1988 (creation of National Practitioner Data Bank), instead of entire medical career
- Limit lookback period for reporting crimes and misdemeanors to post-licensure, rather than age 18
- Limit reporting of medical malpractice judgements and settlements to a lookback period to 1988, rather than entire medical career



Attendees absorbed information from speaker Anne Cox, JD

It is hoped that these changes will occur expeditiously in both chambers, and will take effect immediately upon signing by the governor. But for now, physicians must begin the process of collecting all required information in anticipation of complying by the May 31, 2009, renewal deadline. If required documents relate to

an action that occurred years ago and cannot reasonably be obtained in a timely manner, a physician may request an extension of time from the Board's Program Director. If documented efforts fail to obtain the needed documents, good faith accuracy is allowable.



An attendee sought clarification

Enforcement of the Act is complaint-driven. Although the BME has not been charged with the responsibility for monitoring physicians' self-reported profile information, it has been authorized to issue an Order of Administrative Fine, not to exceed \$5,000, for failure to comply with the Transparency Act requirements. If an Order of Administrative Fine is issued, the Board may not issue a license to a physician who has failed to pay the fine. (Please note: Payment of the fines does not exempt the physician from compliance with the Act.) Under the existing law, once the profile has been entered on the BME data base, the physician is required to maintain its currency by reporting any updates within 30 days of the action. Furthermore, the BME may take disciplinary action if the physician is non-compliant with the requirement to report changes.

The BME physician administrator is Tracey Martinez. Physicians who have questions regarding the profile can contact Ms. Martinez at tracey.martinez@dora.state.co.us or 303-894-5965.

Although some may think these requirements are onerous and unfair, it appears that "transparency" is the new standard to which other professions will also be held accountable. We will keep you apprised of changes to the Act as they occur, but we urge you to begin collecting the information without regard to the pending changes in reporting requirements.

Denver Medical Bulletin: Randall M. Clark, MD, DMS President and Publisher / Nora E. Morgenstern, MD, Chair of the Board / Michael B. Keller, MD, President Elect / Naomi M. Fieman, MD, Treasurer / Kathy Lindquist-Kleissler, Executive Director / Barbara Kamerling, Program Director. The **Bulletin** is the official publication of the Denver Medical Society, established April 11, 1871, as the first medical society in the Rocky Mountain West. Published articles represent the opinions of the authors and do not necessarily represent the official policy of the Denver Medical Society. All correspondence concerning editorial content, news items, advertising and subscriptions should be sent to: The Editor, **Denver Medical Bulletin**, 1850 Williams Street, Denver, CO 80218. Phone (303) 377-1850. Fax (303) 331-9839. Web www.denvermedsociety.org. Email: dms@denvermedsociety.org. Postmaster: Send address changes to 1850 Williams Street.

New Medicare Incentives Seek Physician Change in 2009

New initiatives from the Centers for Medicare and Medicaid Services are aimed at encouraging physician participation in electronic prescribing and the ongoing Physician Quality Reporting Initiative (PQRI) first introduced in 2007.

Studies link electronic prescribing to improved efficiency and safety, and the 2009 Medicare Physician Fee Schedule final rule offers physicians the potential to earn a payment equal to 2% of their total Medicare allowed charges for 2009 if they use qualified electronic prescribing systems to transmit their patients' prescriptions to pharmacies. This incentive is in addition to incentive payments available to physicians who participate in PQRI, but participants in the e-prescribing initiative are not required to also participate in PQRI.

There is no sign-up or pre-registration required to participate in the e-prescribing program, but at least 10% of the physicians' Medicare Part B covered services must be made up of codes that appear in the denominator of the e-prescribing measure to receive the incentive. In order to be considered a successful e-prescriber in 2009, physicians must report one new e-prescribing measure for at least 50% of the patients for whom they billed one of the denominated codes during 2009. For detailed information on the e-prescribing initiative, including a step-by-step guide to help determine

eligibility and to find assistance working through the e-prescribing process, physicians should visit the E-Prescribing Incentive Program page on the CMS website at www.cms.hhs.gov/pgri/03_eprescribingincentive_program.asp.

Physicians participating in PQRI for 2008 must submit all applicable measures by February 28, 2009. For 2009, the final rule includes 153 quality measures compared to the 119 measures used in 2008. Physicians who meet the criteria for satisfactory submission for the reporting period January 1 through December 31, 2009, will earn an incentive payment of 2% of their total allowed charges for Physician Fee Schedule covered professional services during the 2009 calendar year. Options exist for reporting data through claims or through an approved clinical registry. For more information on the 2009 PQRI program, visit www.cms.hhs.gov/pgri.

Physicians who successfully participate in both the e-prescribing initiative and the PQRI in 2009 can receive an incentive of 2% of their total Medicare allowed charges per year for each successfully completed program. The incentive payments are in addition to the 1.1% fee schedule update which all physicians will receive, thus offering a potential total of a 5.1% pay increase for 2009 for those participating in both initiatives.

DMS *Physicians Practice Toolbox*

The *Physicians Practice Toolbox* is a convenient, affordable way to improve the overall health of your medical practice. Providing professional expertise to address challenges in Revenue Cycle Management, Human Resources, and overall Practice Management, it offers a set of tools that can easily take you from identifying problem areas to establishing the right procedures to ensure an efficient and more satisfying practice environment. Use these free or low cost tools at your pace, and on your schedule, to address practice problems or to ensure that your practice is utilizing best practices to maximize performance.

- Our free **Practice Assessments** can be taken quickly and help you decide if your practice needs a Mini Audit or Webinar (online seminar) training in specific areas.
- The **Mini Audits** give you a snapshot of the health of your medical practice at a much discounted investment as a Medical Society member benefit. Your Mini Audit report gives you an easy to understand and easy to use Plan of Action.
- The **Webinars** are 15-20 minute training sessions available on your schedule. Each webinar includes tools (forms, checklists, etc.) that you can print and apply in your medical practice right away. Certification for passing the webinar tests are provided by the Medical Society.
- The **Resource Directory** provides a listing of businesses that have been proven and that have positive medical practice references. DMS members access the Directory for free.
- Use the tools privately, with your physician partners and/or with your practice manager.
- Available on your schedule, 24/7, from your home and/or office computer.
- Use one specific tool or use all the tools provided at your pace.
- Local and national experts are involved with all the **PPT** products.

Get further information by calling (303) 779-7760
or by clicking the *Physicians Practice Toolbox* link at www.denvermedsociety.org.



It's Now . . . or Never. . .

This will be the only Spanish class offered in 2009. Don't delay!

SPANISH FOR THE MEDICAL PROFESSION

FEBRUARY 20-22, 2009

Denver Medical Society, 1850 Williams Street, Denver

To enhance physician communication capabilities, the Denver Medical Society again is offering a three-day intensive, total-immersion learning experience in conversational and medical Spanish for physicians, nurses, PAs, NPs and other medical staff.

The cost of the class is \$395 for DMS members, \$460 for non-members, including text book. To register, complete the coupon below and include payment. All payments will be held until 15 people have registered. If we are unable to enroll 15 participants, all checks will be returned and credit card information will be destroyed. Call 303-377-1850 or email dms@denvermedsociety.org for additional information.

The University of Arizona College of Medicine designates this educational activity for a maximum of 24 hours in category 1 credit towards the AMA Physician's Recognition Award. A processing fee of \$35 payable during class applies for those seeking CMEs.

All COPIC insureds will receive 1 ERS point for completing the course.

Enroll me in *Spanish for the Medical Profession* course offered February 20-22, 2009.

Name: _____ Intermediate Class _____
Address: _____ Beginner Class _____
Phone: _____

Please make checks payable to the Denver Medical Society and mail with registration to 1850 Williams Street, Denver 80218. You may fax credit card registrations to (303) 331-9839.

DMS members - \$395 All others - \$460

Payment enclosed: Check Credit Card
VISA MasterCard Card # _____ - _____ - _____ Exp ____/____
Cardholder Name and Address _____
(if different from registrant) _____
Signature _____ Phone _____



Medicine's Day at the Capitol

Thursday, February 19, 2009
Colorado State Capitol, Denver

Program Agenda (Attend any or all of the events as your schedule allows.)

- 8 am** **Legislator Meetings:** Meet with your legislator BEFORE the frenzy of the legislature convenes. (If interested, please notify Andi Johnston so that CMS staff can schedule a meeting for you.)
- 9 am** **“Floor Work”:** Join your legislator on the House and Senate chamber floor to see how they operate up close and in person.
- 10 am** **Legislative Update:** Join your colleagues in the Capitol's Old Supreme Court chambers to learn about pertinent legislation impacting health care and your practice, including:
- * *The Governor's Building Blocks to Health Care Reform – the second generation.* Invited speaker: HCPF's Executive Director, Joan Henneberry
 - * *Hospital Provider Fee legislation.* Governor Ritter's Senior Health Policy Analyst, Cody Belzley
 - * *The Skolnik Act Modifications legislation.* Legislative sponsors, Senator Morgan Carroll and Representative Su Ryden
- Noon** **Lunch at the Crowne Plaza Hotel** 1450 Glenarm Pl. **Health Care Reform: What do employers, consumers and the non-profit industry think?** Featuring: Bill Lindsay, CEO, Lockton Companies; Kelly Shanahan, Colorado Consumer Health Initiative; Mike Huotari, Rocky Mountain Health Plans. **\$30.00/person**
- 1:30 pm** **Committee Hearings:** Watch the House and Senate Health and Human Services Committees in action as they hear testimony on health policy legislation.

Contact Andi Johnston at Andi_Johnston@cms.org or (720) 858-6312 for a registration form.

FEB 27, 2009

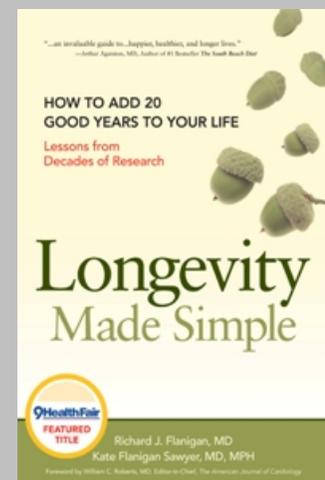
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End-of-Life Care Research Study

A study designed to help understand how physicians decide when and what opiates to prescribe in caring for patients at end-of-life. Hour long focus groups or individual interviews. Reimbursement of \$40. Eligibility: (1) English speaking and (2) Physician in general internal medicine, family medicine, hospital medicine, hematology/oncology, geriatrics, or palliative care.

Contact study coordinator, Courtney Lee, at 303-352-3681 or Courtneylee@ucdenver.edu or Principal Investigator, Judy Zerzan, MD, MPH, at UC Denver School of Medicine at Judy.Zerzan@ucdenver.edu or 303-724-2244.

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SOUTHLANDS AREA. Space available for medical/dental professionals in Southlands area: Available summer 2009. Building ownership, next to schools. Biggest growth potential in the Denver area. Please direct all questions to Alisa at ammswo@hotmail.com or (720) 217-1944.

Center for Personalized Education for Physicians 2009 Colorado Programs

The Center for Personalized Education for Physicians (CPEP), the Colorado-based and nationally recognized program designed to address physician performance concerns and provide educational solutions, will be offering programs of interest to physicians in Denver during 2009.

The **Patient Care Documentation Seminar** will be offered in Denver on June 19, 2009, and December 4, 2009. This seminar is designed to assure that physicians can identify basic documentation guidelines, review the importance and ramifications of medical legal issues in documentation, understand the necessary elements in inpatient/outpatient charting, improve the coordination of care of multiple providers, and overcome barriers to good documentation. It is an interactive, 8-hour small group seminar with the option for additional individualized follow-up. The seminar is jointly sponsored with the Colorado Foundation for Medical Care (CFMC) and is approved for up to 2 ERS points through COPIC Insurance Company and up to 8 CME credits. Discounts are available for COPIC-insured physicians as well.

The **ProBE Program** is a nationally recognized ethics education program designed as an educational intervention in ethics for healthcare professionals under discipline by licensing boards or other oversight agencies. Enrollment is limited to an optimal group of 14 participants. The faculty consists of experienced medical educators who draw on their work in clinically-based ethics and use a series of team-taught interventions. The ProBE Program will be offered in Denver on March 13-15, July 17-19, and December 20-22, 2009.

For additional information on the courses, including fees and registration deadlines, visit www.cpepdoc.org or contact them at 303-577-3232.

Number of Colorado Employers Offering Health Insurance Drops

A recent report from the Economic Policy Institute noted that Colorado experienced the nation's second-largest decline in employer-sponsored health insurance coverage for the period 2006/2007 compared to 2000/2001. In the most recent reporting period, only 63.7% of Colorado workers were covered by their employers compared to 70.1% six years earlier.

**COMING SOON**

**31st Annual
Pulmonary & Allergy Update
in Keystone, Colorado**

February 4–7, 2009

UPCOMING 2009 CME/CE EVENTS*

Presented by The Office of Professional Education

Updated January 14, 2009

Live Events	Date and Time	Registration Fee	Speakers	CME	CE
31st Annual National Jewish Health Pulmonary & Allergy Update in Keystone, Colorado <i>njhealth.org/keystone</i>	Wednesday–Saturday February 4–7	\$650 MDs, DOs, PharmDs and industry partners \$550 NPs, PAs, RNs and other Allied Health Professionals	Richard Martin, MD Erwin Gelfand, MD Harold Nelson, MD	15.5	17.4
Pediatric Allergy & Pulmonary Problems	Saturday, February 28 8am–12pm Office Evolution, Lone Tree, CO	\$50	Kirstin Carel, MD Gary Larsen, MD David Fleischer, MD	3.25	TBD
1st Annual International COPD Conference: Phenotyping	Thursday–Friday March 5–6	\$150	Barry Make, MD Russell Bowler, MD, PhD	14.25	—
3rd Annual Rocky Mountain Sleep Conference <i>njhealth.org/sleep</i>	Friday–Saturday March 13–14	\$199 for MD, DO and DDS \$145 for Sleep Technologists and other Allied Health Professionals	Nic Butkov, RPSGT Sharon Keenan, PhD	TBD	TBD
Obesity: A Disease with Systemic Consequences	Saturday, April 4	\$50 Clinician Track – AM Session No Cost Patient Track – PM Session	David Beuther, MD Teofilo Lee-Chiong, Jr., MD	4.75	TBD
Fundamental Critical Care Support (FCCS) Course	Thursday–Friday April 16–17	\$450 Physicians \$325 Residents, Nurses, PAs, and allied health professionals	Michael Schwartz, MD	15.75	18.5
"I Can't Breathe" – Dyspnea Symposium	Saturday, April 18	\$100	Howard Weinberger, MD Kern Buckner, MD Brett Fenster, MD	TBD	TBD
The Denver TB Course (The longest running TB course in the US)	Wednesday–Saturday April 22–25 October 21–24	\$780 General \$455 Fellow, Resident	Michael Iseman, MD Charles Daley, MD	22	25
The Rocky Mountain Food Allergy Conference	Saturday, May 2	\$100	Dan Atkins, MD	TBD	TBD
Online Courses	Website	Registration Fee	Participating Faculty	CME	CE
Insomnia: Recognition & Intervention <i>(Also certified for ACPE)</i>	www.insomnia-intervention.com	No Charge	Teofilo Lee-Chiong, Jr., MD Amy Robinson Ikelheimer, PhD Wilfred Pigeon, PhD	1.5	1.8
The National Asthma Educator's Certification Review Course <i>(Also certified for CRCE and ACPE)</i>	www.cmelogix.org	\$200	Allidah Hicks, MS, RN, AE-C Ann Mullen, RN, MSN, CNS, AE-C	5	5.5
Atopic Dermatitis – The Itch That Rashes: Soak and Seal Skin Care	www.cmelogix.org	\$40	Noreen Nicol, FNP, MS, RN	.75	1
Rethinking Difficult Asthma	www.rethinkingdifficultasthma.info	No Charge	Richard Martin, MD	1	1.2
Airway Clearance Devices – Why Use Them? <i>(Also certified for CRCE)</i>	www.cmelogix.org	\$40	Brad Harman, RRT Leslie Schamaun, RRT	—	TBD

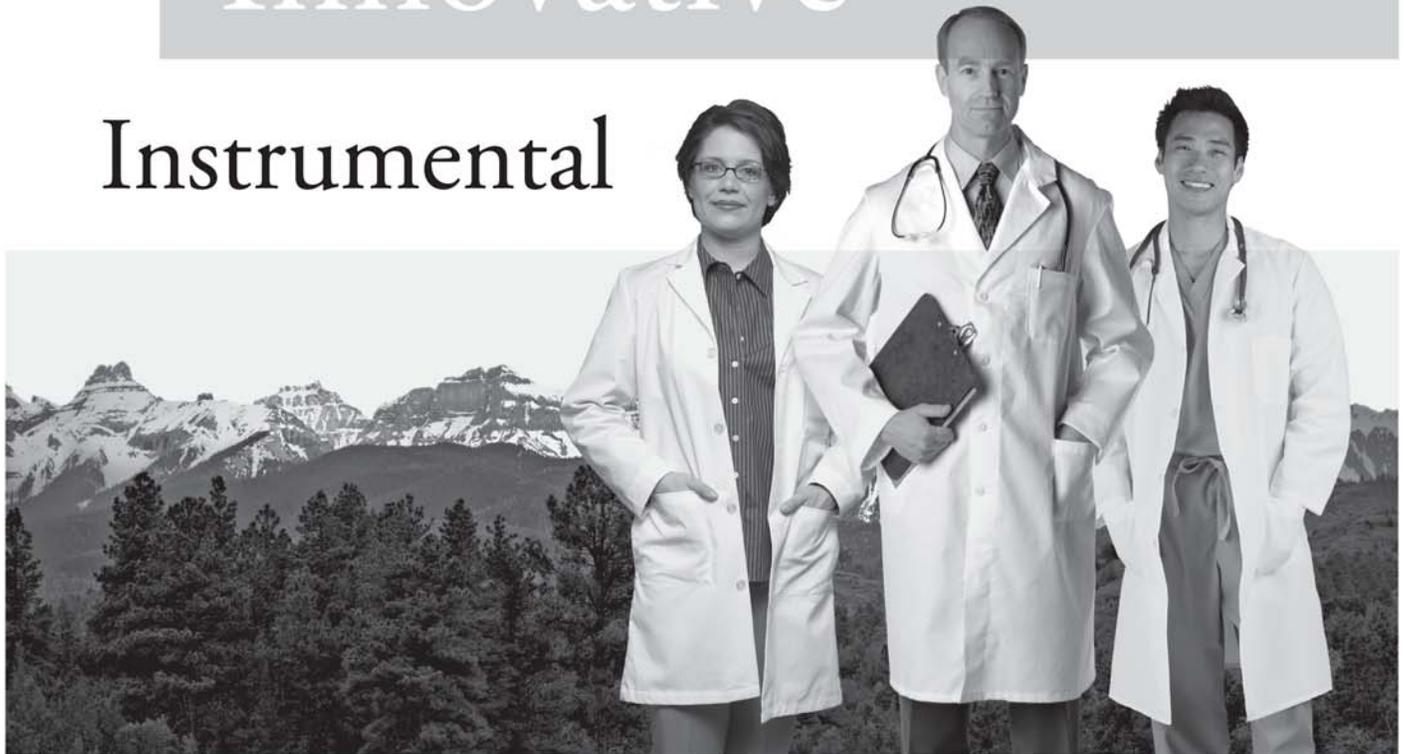
Advance registration is required. For more information or to register visit www.njhealth.org/proed or call 800.844.2305

Courses held in the Molly Blank Conference Center, unless otherwise noted.

National Jewish Health | 1400 Jackson Street | Denver, CO 80206

*Subject to change

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- Leader in passage and protection of tort reform
 - Health Care Availability Act; “I’m Sorry” law
 - Year-round legislative and lobbying team
- NEJM-recognized “3Rs” early resolution program
- Physician risk managers for 24/7 advice and guidance
- RNs take incident reports and conduct site visits
- Risk management rotations for residents/med students
- Founding member, Colorado Patient Safety Coalition
- Partner, Colorado Clinical Guidelines Collaborative
- 99.5% overall satisfaction (2007 Colorado survey)

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