



# SCMA News Briefs

THE MONTHLY NEWSLETTER OF THE SONOMA COUNTY MEDICAL ASSOCIATION

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## June 2010

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### **Primary care survey could improve local Medicare reimbursements**

Results of a survey being e-mailed and faxed today to all local primary care physicians could lead to enhanced Medicare reimbursements in Sonoma County. Data from the survey will be used to designate local Health Professional Shortage Areas (HPSAs). Physicians who provide services in HPSAs are eligible for bonus payments from Medicare.

All primary care physicians are encouraged to complete the survey, which is being conducted by SCMA and Health Action, a partnership of community leaders and organizations committed to improving the health of all Sonoma County residents. The main purpose of the 17-question survey is to assess how well physicians are meeting the primary

care needs of county residents. The questions, which take only a few minutes to complete, measure primary care capacity, access, and the degree to which practices have adopted patient-centered care innovations in order to become medical homes.

**The deadline for returning the survey is Friday, June 11.** Current, accurate information on primary care services is critical to obtaining federal funding for local physicians and the entire community. The survey is the main vehicle for obtaining such information, and the goal is 100% participation. For questions regarding the survey, contact Dr. Mary Maddux-González, Sonoma County Public Health Officer, at [mmaddux@sonoma-county.org](mailto:mmaddux@sonoma-county.org) or 565-4418.

### **House passes Medicare fix; all eyes on Senate**

Despite House passage of a bill to stop Medicare SGR cuts and fix the GPCI payment formula, the Senate has left physicians in the lurch once again. This time, senators adjourned for a week-long Memorial Day Recess just as they were poised to take up the bill. As a result, the long-threatened 21% Medicare physician payment cut will go into effect June 1, and the earliest senators can consider a solution is June 7.

In anticipation of the cuts, Medicare has instructed its contractors to hold physician claims for 10 business days. The hold, which will only affect claims with dates of service on or after June 1, gives Congress additional time to act before claims are processed at the lower rate.

The House bill would stop the Medicare SGR (sustainable growth rate) cuts for 19 months. In lieu of the scheduled 21% cut, the bill would implement a 2.2% payment increase for the remainder of this year, and a 1% increase for 2011. The bill also includes a California GPCI (geographic practice cost index) fix, which provides \$300 million so that currently underpaid counties, including Sonoma, can be reimbursed at higher rates.

Because the House bill is just another short-term fix of SGR, rather than a repeal, physicians could end up facing a 33% SGR cut in 2012. "As a physician, I am outraged by Congress's inability to protect health care for senior citizens and provide stable funding for Medicare," said CMA President Dr. Brennan Cassidy. "This is a recurring nightmare for seniors and the doctors who serve this vulnerable population."

CMA continues to advocate for a permanent repeal of the Medicare SGR. Congress has known for years about the inadequacies of the SGR formula, but it has not fixed the problem. CMA is lobbying Congress to replace SGR with a payment system that automatically keeps up with the cost of running a practice and is backed by a stable funding formula.

Physicians are an important part of that lobbying effort. Your senators need to hear from you! Call Dianne Feinstein and Barbara Boxer today at 800-833-6354 to let them know the impact the SGR cuts will have on your practice. You will be connected to their offices via the AMA Grass Roots Hotline.

### **SCMA Health Reform Survey results being compiled**

Results from the SCMA Health Reform Survey, designed to measure physician attitudes toward recent health reform legislation, will be compiled during June and published in the Summer issue of Sonoma Medicine.

Nearly 200 local physicians—about 20% of the total number practicing in Sonoma County—responded to the survey. In addition to answering a series of multiple-choice questions,

almost all respondents wrote comments in response to the open-ended questions at the end of the survey.

The survey was distributed to all local physicians via e-mail and first-class mail on May 6, and it closed two weeks later, on May 21. While merging the e-mail and handwritten surveys will take some time, a few preliminary demographic results are available. The responses came from across the spectrum, with roughly equal numbers of primary care and specialist physicians. All ages were represented as well, ranging from physicians less than 40 years old to those older than 70. Likewise, all modes of practice were represented, with significant numbers of self-employed, salaried and production-based physicians.

SCMA would like to thank everyone who responded to the survey. If you have any questions about the survey, contact Steve Osborn, SCMA publications director, at [sosborn@scma.org](mailto:sosborn@scma.org) or 525-4325.

### **Public Health issues pertussis, rabies alerts**

Public Health has issued two Health Alerts in recent weeks. The first, dated May 13, notes that pertussis is on the rise in Sonoma County, with 19 confirmed cases and eight probable ones so far this year, compared to only one confirmed case at this time last year. The actual number of cases is probably higher.

Because pertussis is vaccine-preventable, physicians are reminded to review vaccination records with patients and families to ensure that all household members are up to date. A vaccine booster (Tdap) is now available for teens and adults and should be offered when appropriate. For more details on vaccines and treatments, visit the Public Health website at [www.sonoma-county.org/health/ph/](http://www.sonoma-county.org/health/ph/).

The second alert, dated May 27, confirms that a wild fox recently killed in the Windsor area had rabies. The fox was the first animal in Sonoma County to test positive for rabies since 2008.

While the rabid fox does not mean that rabies is increasing in Sonoma County, physicians should remind their patients to avoid contact with wild animals, including the county's many feral cats. All dogs and cats, as well as some livestock, should be vaccinated against rabies, and any bites from animals should be treated promptly. For more details on rabies precautions, visit [www.sonoma-county.org/health/ph/](http://www.sonoma-county.org/health/ph/).

### **Dr. Jeff Sugarman confirmed as SCMA president-elect**

Dr. Jeff Sugarman, a Santa Rosa pediatric dermatologist, has been confirmed as SCMA president-elect by a vote of SCMA members. He will serve as president-elect from July 2010 to June 2011. The current president-elect, Dr. Catherine Gutfreund, a Santa Rosa family physician, will become president on July 1, succeeding Dr. Richard Powers.

The election, which concluded May 31, also confirmed Drs. Jan Sonander and Peter Sybert for the SCMA board of directors, and Drs. Dan Lightfoot, Don Van Giesen, Clinton Lane, Katherine McNally and Richard Powers as members of the CMA delegation.

### **Resolutions for CMA House of Delegates needed by June 26**

Resolutions for the CMA District 10 caucus are due by June 26. The caucus is the first step on the way to the CMA House of Delegates, which meets this fall to consider resolutions from around the state. Any SCMA member can submit a resolution to Cynthia Melody at

[cynthia@scma.org](mailto:cynthia@scma.org) or 525-4375, or to a member of the CMA delegation (see below). Resolutions can cover almost any aspect of medical care, including health reform, medical practice, health facilities, quality of care, medical ethics, legal issues, and public health.

The CMA delegation consists of delegates and alternate delegates. The delegates are Drs. Brad Drexler, Jan Sonander, Leonard Klay, Phyllis Senter, Dan Lightfoot, Don Van Giesen, and Clinton Lane. The alternate delegates are Drs. Edward Chang, Brien Seeley, Lela Emad, Catherine Gutfreund, Katherine McNally, and Richard Powers.

### **Reminder: New physician signage regulations take effect June 27**

California physicians will soon be required to inform patients that they are licensed by the Medical Board of California, and to provide patients with contact information for the MBC. The new regulations, which take effect June 27, require physicians to provide the MBC notice by one of three methods:

- Prominently posting a sign in an area of their offices that is conspicuous to patients, in at least 48-point type in Arial font.
- Including the notice in a written statement, signed and dated by the patient or patient's representative, and kept in that patient's file, stating the patient understands the physician is licensed and regulated by the MBC.
- Including the notice in a statement on letterhead, discharge instructions, or other document given to a patient or the patient's representative; the notice must be placed immediately above the patient's signature line in at least 14-point type.

Regardless of which method you choose, the notice must read as follows: NOTICE TO CONSUMERS: Medical doctors are licensed and regulated by the Medical Board of California, (800) 633-2322, [www.mbc.ca.gov](http://www.mbc.ca.gov).

According to the MBC, physicians, not facilities, are responsible for compliance with this regulation. In group settings, only one sign must be posted (should that option be chosen), but it must be posted in a location where it can be seen by all patients.

A sample MBC sign is available at [scma.org/resources](http://scma.org/resources). For more information, visit [www.mbc.ca.gov](http://www.mbc.ca.gov).

### **FTC delays Red Flag Rule until end of year**

The Federal Trade Commission has delayed the compliance deadline for the Red Flag Rule until the end of 2010. In late May, the AMA filed a lawsuit asking a federal court to prevent the FTC from extending the Red Flag Rule to physicians. "The latest extension to the compliance date is a promising sign," said Dr. Cecil Wilson, AMA president-elect. "We call on the FTC to exempt physicians from the rule completely."

### **Get to Know CMA's New CEO**

Golf, shyness, marriage, Bob Dylan and the future of CMA. What do they all have in common? They define CMA's new CEO, Dustin Corcoran. The full story is contained in a 9-minute video posted on [YouTube](https://www.youtube.com/watch?v=...) and [Vimeo](https://vimeo.com/...). For more details, contact Ron Lopp at 916-551-2042 or [rlopp@cmanet.org](mailto:rlopp@cmanet.org).

## LEGAL NOTES

By SCMA Legal Counsel Larry McLaughlin

Physicians are often asked to give testimony involving one of their patients, sometimes at a trial, but most often at a deposition. I've frequently given advice as to what fees a physician may charge in such a circumstance. The answer may depend on what type of witness the doctor will be, and how badly his or her testimony is needed.

There are two basic types of physician witnesses: percipient and expert. An "expert" witness is one who is asked to render a present opinion about the patient. Such physicians are normally hired specifically for that purpose, and they are entitled to the fee that an expert would charge, generally a substantial one. Only a few physicians, however, are asked to give such testimony.

A "percipient" witness is one who testifies only as to what they saw or did at a time in the past. An example would be a witness to an auto accident testifying about what they observed. In the "medical" sense, the percipient physician witness will be asked about the diagnosis and treatment of the patient at the time the patient was seen. A good way to imagine such testimony would be the reading of the medical record into evidence. Physicians will usually be a percipient witness.

The law provides that a percipient witness can be compelled to testify for a very low statutory fee plus mileage—less than \$100. In my experience, however, most attorneys will agree to compensate doctors for their actual time in preparing the testimony and attending the deposition. This payment is voluntary, and a matter of negotiation.

The physician or office manager should contact the attorney's office and come to an agreement ahead of time, and then follow it up with a letter confirming the arrangement and the details of the testimony (e.g., when, where, how long). A minimum advance fee should be requested, as doctors sometimes have trouble collecting the fee afterwards.

Unfortunately, there is no "standard" fee for percipient testimony. The fee is whatever will compensate the doctor for his or her time, and possibly "what the market will bear." In short, the fee is a matter of negotiation. In the event of an impasse, however, the physician should bear in mind that they could be forced to testify for the minimum statutory fee.

Physicians with questions, or who are experiencing difficulty in recovering their fee after testifying, should contact me at 707-579-4523 or [lwmclaughlin@juno.com](mailto:lwmclaughlin@juno.com).

## PHYSICIANS IN THE NEWS

**Dr. James Devore**, a longtime Santa Rosa family physician, has published [White Coat Wrinkle](#), a 342-page book subtitled "The patient power guide to getting the best care from every doctor, every visit." Co-authored with corporate consultant Debra Skinner, the book gives patients a behind-the-scenes look at how doctors practice medicine and describes the many different ways doctors communicate with their patients. It includes case studies, anecdotes and personality tests, and is intended to help patients choose the right doctors for their particular needs.

## HOSPITAL UPDATES

Based on results from a "return on investment calculator" devised by researchers at Harvard Medical School, the **St. Joseph Mobile Health Clinic** offers a return of \$28 for every dollar invested in operations. The calculator is intended to measure the value of preventive services offered by mobile health programs throughout the United States.

According to the device, the average return on investment is 20:1. Last year, the St. Joseph mobile clinic provided 3,734 office visits to more than 1,500 patients, with an emphasis on preventive and primary health care and education.

**Palm Drive Hospital** is considerably smaller than **Kaiser Santa Rosa**, but the two are the only local hospitals to be certified as Primary Stroke Centers. Palm Drive was certified by the American Osteopathic Association in late May after demonstrating that it exceeded national standards for the treatment of stroke patients. "This means the high quality of our stroke care has been certified by a national organization, something no other small hospital in Sonoma County has achieved," said neurologist Allan Bernstein, MD, medical director of Palm Drive's stroke center.

## EVENTS

An all-day conference titled **Connecting California to Improve Patient Care** will be held at the Vineyard Creek Hyatt in Santa Rosa on Friday, July 9. Sponsored by Redwood MedNet, a local nonprofit health information exchange, the conference features presentations by more than a dozen regional and national experts on electronic health records, Recovery Act funding, and related topics. Cost before July 1 is \$150. To register, visit [redwoodmednet.org](http://redwoodmednet.org).

An hour-long CMA webinar on **POLST Essentials** will begin at 12:15 p.m. on Thursday, June 3. The online presentation will review the essential components of an effective Physician Order for Life Sustaining Treatment and discuss implementation of POLST in clinical practice. Other upcoming CMA webinars include:

- "The Art of Training, Evaluating and Retaining Qualified Personnel for Today's Medical Practice" (12:15 p.m., June 9)
- "Medical Foundations, Accountable Care Organizations and the Bundling of Services" (6 p.m., June 9, and 12:15 p.m., June 15)
- "Implementation of EHR: Practical Considerations" (12:15 p.m., June 22)

To register for CMA webinars, visit [cmanet.org/calendar](http://cmanet.org/calendar).

## VOLUNTEERS NEEDED

Many patients have lost their medical insurance. The **Jewish Community Free Clinic**, free to all faiths, could use a little help. One volunteer shift every other month is not too little. Volunteers are needed for the family clinic on Monday and Thursday evenings from 5:30 to 8:30, and for the pediatrics clinic on Tuesday afternoons, 2:30 to 5. For questions, call Dr. Jerry Connell at 527-7754. To sign up for a shift, contact Deborah Roberts at [deborah.roberts@sonoma.edu](mailto:deborah.roberts@sonoma.edu) or 664-2945.

Physician volunteers are needed for **Neighbors in Health**, an annual event that provides a day of free health care for uninsured children and teenagers. This year's event is scheduled for Sunday, Aug. 1, at Kaiser Permanente's Stein Medical Campus, 3925 Old Redwood Highway, Santa Rosa. Doctors are needed in the pediatric clinic, teen clinic and immunization areas. Many shift options are available. To volunteer, visit [www.unitedwaywinecountry.org/nih](http://www.unitedwaywinecountry.org/nih).

## **APPLICANTS**

**Bryn Duffy, MD**, Internal Medicine, 401 Bicentennial Way, Santa Rosa 95403, 393-4187, Fax 393-4554, [brynduffy@gmail.com](mailto:brynduffy@gmail.com), Texas Tech Univ 2006

**Anthony Lim, MD**, Family Medicine, 3320 Chanate Rd., Santa Rosa 95404, 547-2220, Fax 303-3318, [anthlim@gmail.com](mailto:anthlim@gmail.com), Boston Univ 2010

## **CLASSIFIEDS**

### **Physician consultant needed**

Physician Consultant needed in Ukiah 20 hours per week under contract to provide consultative and interpretive medical services related to assessments and program planning for individuals with developmental disabilities in Mendocino and Lake Counties.

Responsibilities include: participate as a member of the agency's eligibility team; provide medical consultation regarding requests for services; provide education for consumers, their supporters, agency staff and service providers; participate in various agency committees and processes; act as a liaison between the agency and the medical community; and assist with the development and advocacy of medical care for individuals with developmental disabilities in the community. There are no direct patient care responsibilities. Successful candidate will be able to perform as a team member; exercise sound clinical judgment; render timely and appropriate decisions; possess thorough follow-up skills; work independently with minimal supervision; and have excellent verbal and written communication skills. Experience in providing care for individuals with developmental disabilities, preferably in pediatrics, is desirable. Send cover letter and resume to Director of Clinical Services, 525 2nd Street, Suite 300, Eureka, CA 95501, or to [pokey@redwoodcoastrc.org](mailto:pokey@redwoodcoastrc.org).

### **Reimbursement specialist**

Get paid faster, save money. Claims processing, patient payment plan, help with Medicare compliance, coding. [www.revenuerecoverynetwork.com](http://www.revenuerecoverynetwork.com).

### **Medical office space**

Small suite available for reasonable rent. Three exam rooms, southeast Santa Rosa. Call Connie, 707-525-0211.

### **How to submit a classified ad**

To submit a classified ad for SCMA News Briefs or Sonoma Medicine, contact Nan Perrott at [nperrott@rhscommunications.com](mailto:nperrott@rhscommunications.com) or 707-525-4226. The cost is one dollar per word.

## **ABOUT SCMA**

The Sonoma County Medical Association, a 501(c)(6) nonprofit association, supports local physicians and their efforts to enhance the health of the community. Founded in 1858, SCMA is affiliated with the California Medical Association and the American Medical Association.

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