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President's Message . . .

Richard G. Schmidt, MD

As I prepared to write my final president's message, I reflected not only on the progress we've made in the fight for medical liability reform, but also on how much we still need to accomplish. We have achieved several legislative victories in Act 13, anti-venue shopping legislation, and Supreme Court Rule changes throughout the past few years. In mid-October, the House passed a bill by a vote of 192-4 that provides for a two-year extension of MCARE relief for all physicians practicing in Pennsylvania. We received notoriety with our class-action suit against Independence Blue Cross. Also during my tenure as president, POS' most significant achievement was 100 percent abatement of the MCARE surcharge for high-risk specialists for 2003 and 2004—but it is not enough. POS needs to persevere by continuing its fight for permanent MCARE relief and medical liability reform.

Over the past 18 months I have observed a lot about politics and the political process. I have met with key legislators in Harrisburg, Chip Brightbill, Mike Turzai, Connie Williams, Jeff Piccola and Governor Rendel, to discuss ways in which to solve the medical liability problem. I have spoken at several public venues, and on separate occasions shared the stage with Laura Bush and Senator Bill Frist. Along with support from POS, I have held fundraisers, organized rallies and special events in an effort to enlighten the public and elected officials about threatened access to care and the serious nature of the issues facing Pennsylvania physicians today. By supporting those in the legislature who have stood behind us, we will be able to achieve our medical liability reform goals. Grassroots activism and continued support of our allies in the House and Senate can assist in determining the future of health care in Pennsylvania. Believe me, we need to stay involved.



L to R, POS Executive Director Beth Weachter, POS President Dick Schmidt, "Chip" Hummer III, and Barry Snyder get together at the GOP Rally held at Widener University in September.

EXECUTIVE DIRECTOR CORNER

2005 dues statement will soon be delivered to your mailboxes, so please continue along as I review for you what POS has accomplished in support of Pennsylvania's Orthopaedic surgeons this past year:

In conjunction with our lobbying firm, orthopaedic surgeons serving POS's legislative and political action committees provide all Pennsylvania orthopaedic surgeons with access to PA legislators and policymakers. We are an orthopaedic medical information resource to the Pennsylvania Legislature, the Governor's office, and state regulatory agencies. POS is recognized as a credible resource of information and data to decision makers in Harrisburg and are engaged in a group effort to help mitigate the medical liability crisis by promoting permanent MCARE abatement.

POS recently settled a case against Independence Blue Cross (IBC) by bringing action against major health insurers for the practice of bundling, non-disclosure of fees and payment policies, and other unfair business practices.

By serving on the Provider/Insurer Committee of the Bureau of Workers' Compensation, we seek to protect and to advance the interests of orthopaedic surgeons in the workers' comp arena, particularly the preservation of the workers' compensation fee schedule. We also provide the workers' compensation fee schedule annually in electronic or hard copy.

POS provides a website, quarterly newsletters, membership directories, workers' comp tips, legislative updates, and other timely information via email and fax to you and your practice manager, and currently, two CME programs are available.

Our public relations consultant works diligently to advance our message about the erosion of patient care in Pennsylvania. POS's multi-media campaign has included educational brochures for patients, regular press releases and media contacts, all of which help to raise the profile of orthopaedic surgeons in the eyes of the public, the policymakers, the lawmakers, and media professionals.

If you have any ideas regarding new programs or would like to discuss current membership benefits, please call me.

Insurance Exchange Receives Approval

Positive Physicians Insurance Exchange (PPIX) received full regulatory approval to become the first Pennsylvania physician-driven insurance company effective July 1, 2004. The company was designed to provide a stable, long-term insurance platform for orthopaedic and specialty physicians while the process of comprehensive tort reform continues. Coverage is provided on an *enhanced claims made-plus* basis which is designed to offer a thorough, competitively priced umbrella of coverage with the benefit of a prepaid tail.

For more information contact Gil Roehers at 888-335-5335 or visit www.positivephysicians.com.

POS REMEMBERS:

John R. Gregg, MD, a pediatric orthopaedic surgeon for more than 30 years, died of heart disease in late June. A sports medicine expert, Dr. Gregg was a team physician for the Philadelphia Flyers in the 1980s and was an attending orthopaedic surgeon for Olympic athletes at Lake Placid and Los Angeles. In addition to his private practice, he taught orthopaedics and sports medicine at Children's Hospital of Philadelphia and the University of Pennsylvania School of Medicine.

By filing a suit on behalf of orthopaedic surgeons, Dr. Gregg was instrumental in the POS class action lawsuit against Independence Blue Cross regarding its bundling, coding, and reimbursement practices.

President's Message . . .

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With that in mind, I want to thank everyone for their support and hard work during my term as president—it has been quite a ride! I have worked closely with **Jonathan Bigley** who has proven to be a one of our most important



Connie Williams chats with Dick Schmidt during a floating fundraiser held on her behalf.

assets. It is with his expertise and guidance that POS has accomplished many of its legislative objectives. I sincerely thank **Beth Weachter** and **Kathy DeWittie** for their collaborative efforts during the Executive Director transition and with the formation of the High-Risk Specialty Coalition. We have a strong team working on behalf of orthopaedic surgeons in the Commonwealth.

It has been an honor and privilege to serve as President of POS during such challenging times as we move one step closer to medical liability and healthcare reform. My sincere gratitude goes out to **Gerry Williams** for serving as program chair for our scientific meetings this year and I wish the best for **Chris Metzger** as he

assumes the duties of POS president on November 11. I have enjoyed serving as your president and plan to remain active by assisting in grass roots efforts in many ways. My parting words to you, as expressed by Vince Lombardi, "I firmly believe that any man's finest hour, the greatest fulfillment of all that he holds dear, is the moment that he has worked his heart out in a good cause and lies exhausted on the field of battle—victorious."



First Lady Laura Bush shares a few words with POS President Dick Schmidt.

ORTHOPAEDIC CALENDAR

Pennsylvania Orthopaedic Society

POS Fall Scientific Meeting

November 11-12, 2004

"Trauma"

Philadelphia Park Hyatt at the Bellevue

Bones of PA Meeting

November 12, 2004

Philadelphia Park Hyatt at the Bellevue

POS Spring Scientific Meeting

April 14-16, 2005

"Sports Medicine Outside the Cruciate Intersection"

The Grand Floridian – Orlando, Florida

POS Fall Scientific Meeting

November 17-18, 2005

Omni William Penn
Pittsburgh, Pennsylvania

Philadelphia Orthopaedic Society

Steinberg-Lotke Lecture

November 15, 2004

"Thoughts on Femoral Neck Fractures"

William L. Healy III, MD
Boston Univ. School of Medicine & Lahey Clinic

Gill Lecture

December 13, 2004

"Minimally Invasive Total Hip Replacement"

Thomas P. Sculco, MD, Surgeon-in-Chief
Hospital for Special Surgery

Corn Lecture

January 10, 2005

David Altchek, MD

(No February Program)

Moore Lecture

March 14, 2005

Vincent Pellegrini, MD

October 12–20 Declared Bone and Joint Week

Governor Ed Rendell declared October 12–20 Bone and Joint Decade Awareness Week for the U.S. Bone and Joint Decade in Pennsylvania, recognizing the efforts of orthopaedic surgeons and others who work with people suffering from bone and joint injuries or diseases. Arthritis affects more than 3.5 million people and costs the Commonwealth more than \$4 billion annually. Bone and Joint Week provides an opportunity to educate the public about prevention and treatment and support research to improve the quality of life for patients. Bone and joint disorders

affect nearly one in three of all Pennsylvanians. “The biomedical research community in Pennsylvania and throughout the United States is recognized as the world leader in discovering and developing new knowledge and ideas that promote better health and the treatment of disease,” Gov. Rendell said in his proclamation. “Our Commonwealth’s pioneering leadership will continue to lead the future as we address the important challenges that lie ahead.”

For more information on the U.S. Bone and Joint Decade National Awareness Week go to www.usbjd.org.

BOARD CERTIFIED ORTHOPAEDIC SURGEONS NEEDED

Board certified orthopaedic surgeons are needed for non-treatment disability evaluation centers throughout New York state:

Full and Part-time Employment/ Malpractice Included

For more information please reply with CV to:

Attn: Sam H. Stedman, President
Stedman & Garger Assoc., Inc.
2112 Erie Blvd East
Syracuse, NY 13224-1080

Telephone:
315-475-3926 or 800-234-3926

Fax:
315-475-5711

A VIRTUAL GUIDE TO ORTHOPAEDIC PRODUCTS AND SERVICES

Orthopaedic professionals find, visualize, and see how to best utilize essential products, services, and organizations, for free and without log-on or password, at

www.orthopaediclist.com

- 1 • **Product Listings:** Products are indexed by category. Or, you can search by keyword or manufacturer. If you can't find it, e-mail "Bones".
- 2 • **X-ray ID:** See our expanding library of photographs of x-rays illustrating implants. Add your cases.
- 3 • **Product Showcase:** Learn about new and featured products.

info@orthopaediclist.com



910.264.9977

Physical Therapy Association Attempting to Prohibit PTs from Working for Physicians

We have become aware of a nationally coordinated campaign by the American Physical Therapy Association (APTA) to eliminate Physician Owned Physical Therapy Services (POPTS). POPTS occur if a physical therapist is employed by a physician or works in a therapy practice that is owned by physicians. In response to a resolution passed at their annual meeting APTA created a task force to examine ways to eliminate POPTS in the country.

The APTA Task Force reviewed the fifty state physical therapy practice acts and identified eight with existing language that they think can be interpreted to prevent a physical therapist (PT) from accepting a referral from a physician who employs them (or has a financial interest in their practice). The eight states we believe they identified are: AR, AZ, DE, FL, LA, SC, TN and WY. Missouri has already interpreted its self-referral law to forbid referrals to PT employees as well as to outside PT practices in which the physician has a financial interest.

In March 2004 APTA asked two state legislators in South Carolina (SC) to approach the SC Attorney General (AG) for an Opinion interpreting the S.C. Physical

Therapy Practice Act. The AG concluded that the statute allows the S.C. PT Board to discipline a PT for accepting a referral from a physician employer or physician investor in the PT practice.

After the PT Board passed a rule taking away the licenses of PTs who accept referrals from an employer/investor physician two lawsuits were filed to overturn the rule. The physicians and like-minded PTs won a temporary injunction against the rule and arguments in the case will be heard soon.

In 2002 the AG in Delaware issued a similar opinion interpreting the Delaware PT Practice Act to

allow discipline of PTs who accept referrals from physician employers or physician owners.

An organization has been created for PTs who work in physician-owned practices, called the Ethical PT Association. This organization is an alternative for PTs who do not agree with the policy of APTA. Useful information on the issue of POPTS can be found on their web site, www.ethicalpt.org.

This will be an ongoing issue over the coming year as the PT chapters around the country try and take away the right of PTs to work for physicians or in physician-owned practices.

Take note-

- Final regulations for Continuing Medical Education were published in the August 28th *Pennsylvania Bulletin*. For the upcoming renewal period, January 1, 2005, physicians must have 25 credit hours of CME in either Category 1 or Category 2 activities, and must include three hours of patient safety and risk management. **2004-2005 Risk Management Update for Pennsylvania Physicians** provided by *InforMed* is designed to meet these educational requirements. The interactive self-study program allows you to earn three hours of AMA category 1 credit. The activity is available at <http://www.PA.cme.edu>.
- All applications and supporting documentation for 2004 MCARE abatement must be received by February 15, 2005. Please visit <http://www.mcare.state.pa.us/mclf/site/default.asp> for more information.

Fun Jungle Theme Eases Pediatric Oncology Patient Visits at Mercy Orthopedic Associates in Pittsburgh



When Jory D. Richman MD, Mitchell H. Rothenberg, MD, and Kenneth M. Yaw, MD of Mercy Orthopedic Associates, Mercy Health System in Pittsburgh, PA decided to find a way to help alleviate some of the stress of an office visit for small children (and their parents), they brought in Michele Goyak of Artistic Creations to paint a cheerful mural on exam room walls.

Goyak opted for a jungle theme, then to make it more entertaining, incorporated hidden objects for the children to find in the mural.

Although the practice sees general orthopedic, spine disorders and sports related injuries, Dr. Yaw's fellowship in orthopedic oncology brings in a solid pediatric population.

SECTRA AD HERE

Schmidt Speaks at GOP Rally Held at Widener University



Senate Majority Leader Bill Frist, seated, shares the stage with POS President Richard G. Schmidt, MD.

In early September, Widener University was host to a GOP rally

in support of President Bush largely attended by the physician community. Featured speaker, Senate Majority Leader Bill Frist (R., Tenn.), referring to the medical liability crisis, told a crowd of doctors and students, “The people of Pennsylvania are being as hard hit as any state, and it is not necessary,” Senator Frist, a board certified general surgeon, is a strong supporter of medical liability and healthcare reforms.

Check the POS website at www.paorthosociety.org for updates on the IBC case, medical liability reform and other important issues.

HIPAAprep for Orthopaedics™ Update

In March of 2003, AAOS entered into an agreement with HIPAADocs Corporation to become the exclusive distributor of *HIPAAprep for Orthopaedics*, an on-line, Internet-based product designed to assist orthopaedic surgeons comply with the HIPAA Privacy regulations. Quite a few AAOS members subscribed to the service in the past year because they found it offers many advantages over traditional paper compliance products and even CD-ROMs; for example: on-line privacy officer training (as well as documentation of this training which the regulations require), easy to understand policies and procedures, customizable forms, and

training targeted to different categories of practice employees.

For many people the time to re-subscribe to the *HIPAAprep* service is fast approaching. This process can be undertaken quickly and easily by calling Steve Ellis or Anna Scully at 866-299-5962.

Subscription renewals are available at a 40 percent discount from the initial fee.

For those practices that did not elect to subscribe to *HIPAAprep* last year, here's a good reason to consider subscribing now: the product has been expanded substantially. In addition to information and compliance assistance with respect to the

HIPAA *Privacy* regulations, it also contains information and compliance assistance with respect to the HIPAA *Security* regulations at no additional cost. If you're a “covered entity” under HIPAA, you're already supposed to be in compliance with the former set of regulations; you only have until April 21, 2005 to comply with the latter. Compliance with *Security* will be at least as time consuming and complex as complying with *Privacy*, so it makes sense to start sooner rather than later.

For more information, contact Steve or Anna at the number listed above or visit the *HIPAAprep* website, <http://www.hipaaprep.org>.

Logo
here

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Spring Scientific Meeting

*"Sports Medicine—Outside the
Cruciate Intersection "*

The Grand Floridian - Orlando, Florida
April 14-16, 2004

Guest Speakers TBA

Contact POS for more information: 717.909.8901 or nan@orthosociety.org