



The Florida Society

NEWS

of Thoracic & Cardiovascular Surgeons

Volume No. 30

Spring 2011



President's Message

It continues to be a joy and a privilege to serve the Florida Society of Thoracic and Cardiovascular Surgeons as its President. Our 44th Annual Meeting will take place again at the Ocean Reef Club on Key Largo, Florida from July 8-10th. I encourage all members and their families to attend

this informative and fun meeting. Physician guests and their families are also welcome.

This year it has been my intention to create an agenda for the Annual Scientific Meeting that is provocative, entertaining and international. My close friend and colleague, Cristian Baeza, MD Chief of Cardiac Surgery at Clinica Las Condes, Santiago, Chile will present a unique lecture detailing surgical technologies he has been able to use, but, not yet available in the U.S. In addition, Cris will be our evening speaker Saturday night, July 9th. As a young academic staff surgeon in Santiago, Cris was the star of a reality show that followed his work as a cardiac surgeon. Cris has promised to share insights and video, both pleasant and troubling about his experiences with the show.

Our agenda also includes a strong general thoracic component with topics covering ECMO for Acute Lung Injury, Interventional Pulmonology and Non-Malignant Thoracic Surgical Disease.

Nick Smedira, MD from Cleveland Clinic will lead a discussion on "Decision Making in Ischemic Cardiomyopathy" that will be based on several widely cited papers he has recently published on this subject.

I have asked internationally renowned cardiologist Michael Ezekowitz, MD from Philadelphia to discuss the newest thrombin inhibitors and then lead a frank, non-biased and no holds barred discussion as to what we can expect to see in the near future on the anticoagulation front.

Rick Lee, MD from Northwestern will spend the weekend with us and report on his and Pat McCarthy's research

on tricuspid valve management and surgical technique. We have an exciting and creative topic, Pericardioscopic Maze to be presented by Angelo LaPietra, MD

Our fellow FSTCS member, Fred Edwards, MD, will present the Public STS Datasharing Project. Tom Martin MD, and Phil Hess, MD will review topics within the University of Florida's formidable Thoracic Aortic Surgery Database.

Finally, our meeting will begin with the always popular "Case Presentations with Grave Complications" paneled by five of our guest speakers and of course our FSTCS members! This module has customarily become a very intense learning event for members, panel and presenters. The Ocean Reef Club is one of the premier Oceanside resorts in the eastern U.S. It has a heritage, consistency, quality as well as beauty that is remarkable. I was lucky as a child to visit Ocean Reef a year after it opened (over 40 years ago) and I can say the "REEF" has never looked better! This is a kid friendly and downright fun place to be for the entire family. The activities planned are first rate and very economical...from rooms, to meeting fees to the golf carts!

Let's all meet down at the Ocean Reef Club! After the past several years of struggles in our profession, YOU and YOUR FAMILIES deserve it!

Gary D. Dworkin, MD
President
Florida Society of Thoracic & Cardiovascular Surgeons

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Thoracic Cardiovascular Surgeons
2011 - 2012 Council

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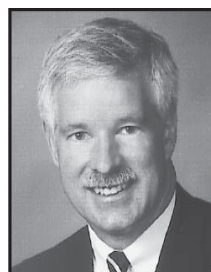
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**Legislative Session
Wrap-Up
May 7, 2011**

Christopher L. Nuland, Esq.

The 2011 Legislative Session, which adjourned at 3:35 this morning, provided a vital lesson on why it is so important to be part of the process. Not only were several good bills passed, but constant involvement allowed adverse bills to be defeated or neutralized.

For instance, early proposals would have merged the Department of Health into the Agency for Health Care Administration. While DOH did endure substantial budget cuts, it remains as an independent entity. Likewise, early in 2010 we were confronted with proposals that would have limited the ability of surgeons to operate on Worker's Compensation patients; through early intervention with the State CFO and senate sponsor, we were able to derail the proposal.

Several bills that did pass were amended to recognize and address our concerns. HB 155, a bill that would have imposed criminal penalties and a \$5 million fine on physicians who inquired as to a patient's gun ownership was modified to only prevent physician harassment of patients on such issues. The amended bill did pass and is currently on the Governor's desk.

Pain clinics remained a key issue, but we worked hard to ensure that surgeons and their practices would not be regulated as pain clinics. However, the final law does prevent physicians, including surgeons, from dispensing more than a fourteen day supply of Schedule I or Schedule II drugs, and limits the dispensing period to immediately after surgery.

Finally, Medicine was successful in passing an Expert Witness Certificate bill (HB 479). Unfortunately, the Senate removed from the bill provisions that would have raised the plaintiff's burden of proof in malpractice actions to one of "clear and convincing evidence."

As the above demonstrates, 2011 was an unusually busy year, but it was also an unusually rewarding one. More than ever, our voices were heard, and while we did not succeed in all of our legislative initiatives, we did make a difference.

Thank you for allowing me to be a part of your efforts.

WEB SITES OF INTEREST

Florida Society of Thoracic &
Cardiovascular Surgeons
www.fstcs.org



Society of Thoracic Surgeons
www.sts.org

American College of Surgeons
www.facs.org

The Cardiothoracic Surgery Network
www.ctsnet.org



Hot Topics in Risk Management: What Physicians Need to Know

By Cliff Rapp, LHRM
Vice President Risk Management
First Professionals Insurance Company

Healthcare providers are faced with a paradox that the more medicine advances, the greater the potential for error. While all undesired outcomes cannot be eliminated even by extremely well-qualified providers, today's legal climate necessitates that physicians are familiar with longstanding, current, and evolving risk management practices.

There are a number of risk management issues which require a heightened awareness. These include the use of physician extenders and hospitalists and issues regarding internet defamation, patient identity theft, and regulatory requirements.

Physician Extenders

The number of physicians who support the use of physician extenders continues to escalate. Physician extenders can provide several benefits, including faster patient access to care, and increased physician time and focus. However, along with the increasing use of physician extenders is the spiraling frequency and severity of medical malpractice claims against physicians who are being exposed to the acts of physician extenders.

Malpractice claims attributed to PEs can often be traced to clinical and administrative factors that are easily identified and remedied. Consequently, there are precautions and assurances that the employing physicians should initiate. Determine that your PEs are not providing services beyond their capabilities or the scope of their licensing. Monitoring enables detection of misdiagnoses, delays in diagnoses, improper orders, or any other issues requiring attention. Physician extenders are the agents of their employers—their acts reflect directly upon the supervising physician.

Although the practical benefits of utilizing PEs are numerous, myriad legal doctrines hold the physician responsible for the acts and omissions of such employees. Implementing effective risk management measures will help ensure that the benefit of using physician extenders in your practice is not at the expense of increased liability exposure and malpractice claim development.

Hospitalists

Hospitalists have evolved into a medical specialty that is growing both in number and sophistication and is a rapidly increasing option for primary care physicians (PCP) and their patients. Hospitalists are beneficial because they specialize in inpatient care and treatment. They are very familiar with the workings of the hospitals and the staff who work there.

From a liability standpoint, inpatient and outpatient care inherent to the hospitalist model presents the greatest challenge, both in terms of continued erosion in the physician-patient relationship and the incidence of medical malpractice claims. While there are many types of hospitalist models, none possess a distinct risk management advantage over another.

The primary cause of claims related to hospitalists result from communication breakdowns and failure to follow up. Discontinuity of care encompasses such risks as abandonment, allegations of negligent referral, and patients lost to follow-up. However, perhaps the greatest risk is that of patients that are unaware or who do not understand the hospitalist model.

Continued on page 9

FSTCS Membership Invitation

You are invited to apply for membership in the Florida Society of Thoracic & Cardiovascular Surgeons (FSTCS). Not only does the FSTCS provide first-rate accredited CME programs during its Annual Meeting at the renowned Ocean Reef Club Resort each year, but it is also your voice in Tallahassee, where recent victories have directly increased your insurance options and your ability to practice open heart surgery in the state.

Application forms may be obtained by contacting Bridget Anderson in the Society office; (904) 683-8200 or ftcs@comcast.net, or on the Society's website www.fstcs.org.

Please send your application and a copy of your CV with the \$50.00 application fee to:

Membership Committee Chairman
Florida Society of Thoracic
& Cardiovascular Surgeons
1000 Riverside Avenue, STE 220
Jacksonville, FL 32204

Application deadline is June 1, 2011.

Applicants for active and associate membership will be presented for consideration to the council at the 2011 Annual Meeting; July 8 – 10, 2011. Dues are payable upon notification of acceptance.

MEMBERSHIP QUALIFICATIONS:

ACTIVE MEMBERSHIP

1. Certification by the American Board of Thoracic Surgery
 2. Established in the practice of thoracic and cardiovascular surgery for a minimum of two (2) years in the state of Florida.
 3. Provide names of 2 current FSTCS Members outside your own group practice as references.
- Annual Dues:** \$250.00 per Active Member

ASSOCIATE MEMBERSHIP

1. Have completed training in an approved thoracic and cardiovascular residency program
 2. Are in the process of acquiring certification
 3. Are licensed to practice in the State of Florida.
 4. Provide names of 2 Current FSTCS Members outside their own group practice as references.
- Annual Dues:** \$200.00 per Associate Member

ALLIED HEALTH PROFESSIONALS

1. Any allied health professional that is employed in the field of cardiovascular and thoracic surgery in the State of Florida (i.e. – Administrators, Billing Managers, P.A.'s and Nurses.)
 2. Nomination by an Active member of the Society.
- Annual Dues:** \$50.00 per AHP Member

Florida Society of Thoracic & Cardiovascular Surgeons

44th Annual Scientific Meeting Agenda

July 8 - 10, 2011

Ocean Reef Club – Key Largo, FL

Thursday, July 7, 2011

- 5:00 p.m. – Exhibit Set-up
9:00 p.m.
- 6:00 p.m. – FSTCS Council Meeting/Working Dinner
9:00 p.m.

Friday, July 8, 2011

- 7:00 a.m. – Breakfast with exhibitors
7:50 a.m.
- 7:50 a.m. – **Opening Remarks**
8:00 a.m. *Gary Dworkin, MD, President*
- 8:00 a.m. – **Cardiac or Thoracic Case Presentations**
10:00 a.m. **With Grave Complications**
1. Leah Teekell-Taylor, MD
2. Hugh vanGelder, MD
3. Gregory England, MD
4. TBA
- Panel:**
Cristian Baeza, MD
Richard Lee, MD
Daniel Miller, MD
Nicholas Smedira, MD
Joseph Zwischenberger, MD
- 10:00 a.m. – Networking Break with Exhibitors
10:45 a.m.
- 10:45 a.m. – **ECMO Support for Acute Pulmonary**
11:30 a.m. **Failure**
Joseph Zwischenberger, MD
- 11:30a.m. – **Interventional Pulmonology**
12:15 p.m. *Mark Vollenweider, MD*
- 12:15 p.m. – **Annual Business Meeting**
12:45 p.m. (working lunch)
Gary Dworkin, MD, President
- 12:45 p.m. – **New Routine Cardiac Surgical**
1:30 p.m. **Technologies Not Yet Available in the**
US
Cristian Baeza, MD
- 1:30 p.m. – **Future Economic and Clinical Pressures**
2:15p.m. **on Medical Device Research**
Thomas A. Vassiliades, MD
- 2:15 p.m. – **Decision Making in the Treatment of**
3:00 p.m. **Ischemic Cardiomyopathy**
Nicholas Smedira, MD
- 3:00 p.m. – Networking Break with Exhibitors
3:45 p.m.

Friday, July 8, 2011

- 3:45 p.m. – **Non-Malignant Thoracic Surgical**
4:30 p.m. **Disease**
Daniel Miller, MD
- 4:30 p.m. – **Tricuspid Valve Surgical Techniques**
5:15 p.m. *Richard Lee, MD*
- 5:15 p.m. – **UF Overview of Hybrid Arch Cases**
6:00 p.m. *Philip Hess, MD*
- 6:30 pm - 10:00 pm **Family Welcome Event - Beach Party**

Saturday, July 9, 2011

- 7:00 a.m. – Continental Breakfast w/ Exhibitors
8:00 a.m.
- 8:00 a.m. – **Prevention of Medical Errors**
10:00 a.m. *Meets requirements of FS 456.013(7)
Sandra Strickland, FPIC
Christopher L. Nuland, Esq.
- 10:30 a.m. – Children's Fishing Tournament
11:30a.m.
- 11:45 a.m. – Family Luncheon
1:00 p.m.
- 1:00 p.m. – Family Snorkeling Trip
4:30 p.m.
- 6:30 p.m. – President's Reception & Dinner
10:00 p.m. *Speaker: Cristian R. Baeza, MD*
Children's Movie Night

Sunday July 10, 2011

- 7:00 a.m. - 8:00 a.m. Continental Breakfast w/ Exhibitors
- 8:00 a.m. – **Pericardioscopic Maze**
8:45 a.m. *Angelo LaPietra, MD*
- 8:45 a.m. – **Public Reporting of Cardiac Surgical**
9:30 a.m. **Data**
Fred Edwards, MD
- 9:30 a.m. – **Emerging Anticoagulants**
10:15 a.m. *Michael Ezekowitz, MD*
- 10:15 a.m. – **UF Review of Aortic Dissection**
11:00 a.m. *Thomas Martin, MD*
- 11:00 a.m. Adjournment

FSTCS 2011 Annual Scientific Meeting

Family Social Events and Activities

❖ Friday – July 8, 2011 ❖



Family Welcome Reception & Beach Bash Dinner on Buccaneer Island 6:30 p.m. – 10:00 p.m.

Please bring the family and join us for fun and fellowship on Buccaneer Island! The welcome event begins with a reception followed by a Beach Party and Dinner on Buccaneer Island. Children's Activities are provided along with great beach music for the adults to enjoy!

Children's Activities during the Beach Bash Dinner Include Games, A Bonfire with S'Mores and a playground for the little ones!



❖ Saturday – July 9, 2011 ❖

13th Annual Children's Fishing Tournament at the Fishing Village 10:00 a.m. – 11:30p.m.

Mosey on over to the Fishing Village for an old-fashioned fishin' tournament. We'll drop our lines off the dock into the water just like ol' Huck Finn used to...with a cane pole. Poles, bait and friendly helpers are provided - be sure and bring your hat and sunscreen! Every child will walk away with a fishing trophy and, most likely, a fish tale of their own. Great for children ages 3-14! So, don't forget to sign your little ones up – they might just catch the "Big One"!



Family Luncheon Buffet 11:30 a.m. – 1:00 p.m.

Immediately following the Children's Fishing Tournament, please join us for a family lunch buffet served in the Galley Restaurant at the Fishing Village.



Family Snorkeling Trip 1:30 p.m. – 4:30 p.m.

The family snorkeling boat departs from the Dive Shop at the Fishing Village at 1:30 p.m. Sign up to explore the coral reefs at John Pennekamp State Park, where the only living reef in North America is located. All equipment and refreshments are provided. **Pre-registration is required (\$60 per person) and space is limited, so be sure to register early!**

President's Reception and Dinner 6:30 p.m. – 10:00 p.m.

Please join us in a relaxed, family-friendly environment for the President's Reception and Award Dinner. We will enjoy a wonderful buffet of Ocean Reef's fabulous cuisine, followed by a special guest speaker, Cristian Baeza, MD. Adjacent to the dinner, we will have a children's movie theater complete with drinks and popcorn, so that adults and children will both be able to enjoy the evening!



Florida Society of Thoracic & Cardiovascular Surgeons

44th Annual Meeting
July 8 – 10, 2011



◆ Advance Registration Form ◆

Name															
Address											<input type="checkbox"/> Home		<input type="checkbox"/> Office		
City					State				Zip						
Phone				Fax				Cell Ph							
E-Mail															
Registration Details															
				Friday			Saturday				Sunday				
FULL NAME (please print) Please list ALL who will be attending including YOURSELF and indicate by ✓ which functions each person will be attending (This will be used for function counts and name badges)				Age (child. only)	Breakfast	Scientific Session	Beach Bash Dinner	Breakfast	Scientific Session	Child's Fishing Tournament	Lunch	Snorkeling (\$60 ea)	Awards Dinner	Breakfast	Scientific Session
Registration Fees															
REGISTRATION FEES (INCLUDES ALL FOOD FUNCTIONS)								# of participants		Price per person		AMT DUE			
FSTCS Member (spouse included)										\$400					
Non-Member										\$450					
Allied Health Professional										\$200					
Family Members/Guests (13 and up)										\$200					
Family Members/Guests(5 – 12)										\$100					
Snorkeling Trip										\$60					
										TOTAL DUE					
PAYMENT METHOD															
<input type="checkbox"/> Check # _____ (Make payable to FSTCS) <input type="checkbox"/> AMEX <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa															
Account #						Exp Date				CVV#					
Name															
Address (include zip)															
Signature															
Please contact the Ocean Reef Club At 1-800-741-7333 for room reservations. Be sure to request the FSTCS Group Room Rates: \$165 S/D or \$270 – 2 BR Condo (limited availability) Hotel reservations must be made prior to Thursday, June 13, 2011 after which, reservations will be accepted on space availability only and at the current available rate.								PLEASE RETURN THIS COMPLETED REGISTRATION FORM WITH PAYMENT TO: Florida Society of Thoracic and Cardiovascular Surgeons Attn: Bridget Anderson, Society Administrator 1000 Riverside Ave, #220 – Jacksonville, FL 32204 (904) 356-9300 Fax: (904) 356-4118 fstcs@comcast.net							

Ocean Reef Club – Simply Unequaled Location of the FSTCS 2011 Annual Meeting



From its infancy over 50 years ago, Ocean Reef Club originated with simplicity and escape in mind. From its start as a small fishing village tucked amongst the mangroves and serenity of the Florida Keys' aqua-blue waters, Ocean Reef today is as private and special as it began. Members join us for the distinct opportunity to access a retreat from the world, while cherishing important family values and a world of recreational and relaxation pastimes.

The tropical haven is private and secure. With water on three sides and controlled access through the Front Gate on the fourth, entry to Ocean Reef Club by land, sea or air is strictly monitored and only members and their guests are admitted. The U.S. Secret Service has called Ocean Reef Club one of the most secure communities in the country.

In addition to the fabulous array of recreational activities, you'll have every amenity close at hand, including a private airport and world-class marina with secure dockage, a modern medical center with doctors on call 24 hours a day, an excellent private school, and a public safety department. The gracious Florida lifestyle at Ocean Reef Club is enhanced by a cultural center with a library and theater, a dozen excellent restaurants and lounges, beautiful residences and a selection of specialty services, shops and boutiques.

Sharing good times with family and friends is life's greatest pleasure, and Key Largo's Ocean Reef Club invites vacation fun and relaxation with almost 50 different activities. Located near the Gulf Stream, beside North America's only living coral reef and close to the Everglades, this is one of the world's few places with superior deep-sea, reef, flats and back-country fishing, all from one spot. These warm Florida waters also offer great diving, snorkeling, sea kayaking and windsurfing.

Ocean Reef Club's two 18-hole championship golf courses are complemented by fine club amenities. Additional leisure choices include Har-Tru tennis courts, most lighted for night play, croquet courts and a fitness center.

Treat yourself to the ultimate journey of relaxation and renewal at the Salon & Spa at Ocean Reef Club. Browse the colorful collection of boutiques and shops in our charming Fishing Village. Indulge your passion for fine food at the Ocean Reef Club Cooking School where world-renowned chefs create amazing dishes for you to sample with perfectly paired wines.

Buccaneer Island's refreshing recreation choices make it The Reef's coolest spot for family vacation activity. And just for the youngsters, Reef Kids Club entertains with high-energy programs that include tennis, golf, swimming and crafts.



Case Study: Inappropriate Documentation Constitutes Fraudulent Record

Editor's Note: This case study analysis reflects an actual First Professionals' case.

Case Analysis

This case involved a patient undergoing surgery who experienced cardiac arrest without successful recovery. Timing factors in the anesthesia record were inconsistent with the Code Blue documentation. According to the times recorded in the nurse's record on the code sheet, anesthesia monitoring would have stopped 10 minutes before resuscitation began. The anesthesiologist, being certain that there was no time lapse in the monitoring of the patient, assumed his time documentation in the anesthesia record was wrong and adjusted the record to coordinate the times with the code sheet in an effort for clarification. At trial, it was discovered that the anesthesiologist had altered the record. Consequently, the medical record was deemed fraudulent, and the case rendered indefensible. During the criminal investigation that was initiated against the anesthesiologist for the record alteration, it was determined that there was indeed a 10-minute time difference between the anesthesiologist's wristwatch and that of the clock on the operating room wall.

Risk Management Discussion

Documentation is a key tool for defending medical malpractice cases. Improper documentation or the lack of supporting documentation may actually contribute to a finding of negligence. Consider the following recommendations:

- Document with specificity
- Never alter the medical record
- Corrections to the records should be initialed and dated contemporaneous with the correction made
- Never use "White Out" or otherwise attempt to cover original record entries – line through an erroneous entry and initial and date the change made.
- Provide an explanation in the record for inconsistencies
- Document your medical rationale
- Ensure the same integrity of documentation made electronically
- Entries should be legible, and contain sufficient detail to clearly demonstrate why the course of treatment was undertaken or not undertaken
- Documentation should support the diagnosis, justify the treatment, and be accurately dated and timed
- Ascertain if timing inconsistencies exist and determine the etiology
- All OR staff should synchronize timing devices prior to every procedure
- Seek legal or risk management advice when uncertainty arises

This information does not establish a standard of care, nor is it a substitute for legal advice. The information and suggestions contained here are generalized and may not apply to all practice situations. First Professionals recommends you obtain legal advice from a qualified attorney for a more specific application to your practice. This information should be used as a reference guide only.

“Hot Topics” - continued from pg 3

The hospitalist has a responsibility to notify the patient's PCP of the diagnosis, clinical status, discharge plan and any necessary follow-up. To ensure an adequate exchange of clinical information, the PCP and hospitalist should maintain open dialogue and agree upon a “game plan” of periodic updates.

With a modicum of risk management effort, prevalent liability issues entailing a hospitalist model can be minimized. As is the case with most loss prevention measures, effective communication remains the chief caveat.

Physician Internet Defamation

There has been explosive growth of anonymous doctor rating sites available on the Internet with “hits” that number in the millions. These sites provide patients with the ability to post false and defamatory statements alleging physician negligence. Negative postings present potential risks to the professional reputations of doctors and their practices.

Currently, libel cases are difficult to resolve. Patient confidentiality laws and federal immunity laws granted to Internet Service Providers (ISP) limit the options for recourse, increasing the difficulty and expense.

On rating sites, patients, or people posing as patients – such as disgruntled employees, ex-spouses, and even competitors can damage a hard-earned reputation. In most instances, a doctor has little recourse. As an arcane nuance of cyberlaw, the websites are immune from accountability (Section 230 of the Communication Decency Act). Some sites have taken the position that they will not monitor or police such content.

As a physician, one of your most valuable assets is your reputation. Anonymous web postings by disgruntled patients can threaten your good name and practice. Most medical practices are built through word of mouth. It only takes one negative Internet posting to impact your livelihood.

Patient Identity Theft

Cases of patient identity theft continue to substantially increase every year. It is critical that all medical professionals acknowledge the emerging risk associated with this dilemma. Physician offices, clinics and hospitals are all prey to the possibility of compromising personal health information (PHI).

The PHI stolen from a medical office can be used to obtain credit cards, drain bank accounts, falsely bill Medicare and make e-transactions – globally. Physicians with sophisticated encrypted electronic files are no less vulnerable.

Every physician needs to be aware of the Federal Trade Commission's “Red Flags” Rule (Rule) pertaining to patient identity theft protection standards. For purposes of the Rule, a “red flag” is a pattern, practice or specific activity indicating the possibility of identity theft. The Rule requires “financial institutions” and “creditors” holding consumer or other “covered” accounts to develop and implement an identity theft rule. Individual physicians, physician groups, hospitals and other healthcare organizations fall under the FTC's definition of a creditor because they generally do not collect payment at the time a service is rendered and often hold off billing patients in full.

Implementing a written identity theft prevention program is a requirement of the Rule. The program must detect, prevent and mitigate identity theft. Noncompliance is subject to monetary penalties and civil litigation.

The FTC identified December 31, 2010 as the starting date for enforcement after several previously announced delays. **However, pending the outcome of a U.S. District Court of Appeals case, physicians are currently exempted.** First Professionals will provide updates regarding the Rule to our policyholders as they become available.

Florida Practitioner Profiles

Florida physicians are required by the Department of Health to update any change that is made to the following:

- education & training
- current practice & mailing addresses
- staff privileges & faculty appointments
- financial responsibility
- legal actions
- BOM final disciplinary action within previous 10-years
- liability claims which exceed \$100,000 (\$5,000 for podiatrists)

Physicians who do not comply with this requirement are subject to fines, penalties, and disciplinary action.

Benefits of Risk Management Protection

Although today's legal and regulatory climate continues to present additional challenges to doctors, many cases can be prevented or reduced by simply utilizing risk reduction strategies and tools. To reduce the frequency of claims, exceptional risk management services are essential for any medical practice. The risk management benefits provided by FPIC are unmatched in the industry and are available **at no additional cost** to its policyholders.

For over 35 years, FPIC has maintained a commitment to protect you, your patients, your reputation and the assets you have worked so hard to accumulate. We are confident that the products and services we provide are superior to those offered by other medical professional liability insurance companies.

For more information, please visit the Risk Management link of our website located at www.firstprofessionals.com. You can also discuss any of these services directly with a risk management representative via e-mail at rm@fpic.com or by phone at (800) 741-3742, extension 3016.

This information does not establish a standard of care, nor is it a substitute for legal advice. The information and suggestions contained herein are generalized and may not apply to all practice situations. First Professionals recommends you obtain legal advice from a qualified attorney for a more specific application to your practice. This information should be used as a reference guide only.

Cliff Rapp is a licensed healthcare risk manager and Vice President for Risk Management of First Professionals Insurance Company, a leading professional liability insurer. Mr. Rapp is widely published and a national speaker on loss prevention and risk management.



100% of the funds raised from the Stop Heart Disease license plate are legislatively mandated to support heart disease research, education and prevention programs

throughout Florida. Twenty-five dollars from registration fees of every plate sold and renewed will go to the Florida Heart Research Foundation where it will be used for heart disease:

Objective of the Plate:

- To raise funds for heart disease research, education and prevention programs in Florida.
- To increase awareness that heart disease is the leading

cause of death and disability in our state.

- To educate Floridians that heart disease can be prevented, stopped, and even reversed if corrective steps are taken.

February = National Heart Month.

In support of our effort, Governor Charlie Crist has proclaimed the second week of February to be Stop Heart Disease Week.

Buy a Plate T

he first time you order a specialty license plate, the cost is an additional \$37.00 over your regular renewal fee (\$12 to the state, and \$25 to the Foundation). Each subsequent

year, the cost is \$27 over the regular renewal fee (\$2 to the state, and \$25 to the Foundation). You do not have to wait for your renewal period to purchase a new plate.



\$25 of the specialty license plate fee may be a tax deductible donation to the Florida Heart Research Foundation. Please consult your tax advisor.

You can purchase your Stop Heart Disease license plate:

- At your local Tax Collectors office or Tag Agency
- At their website www.heartplate.org
- By calling (866) HRT-TAGS

FSTCS Fraud Alert

As many are aware, state and federal investigators have increased their crackdown of suspected fraudulent activity among physicians. Two of the targets of their attention are physicians paying for patients and physicians allowing extenders (Pas and ARNPs) to bill under the physician's name.

Patient Brokering

Florida State law makes it a felony to offer or receive any compensation in return for referring patients. For instance, were a company to offer physicians a supply of patients at a specified fee per patient, both the broker and physician would be subject to criminal penalties. There are currently several such companies operating in Florida despite being warned that their activities are illegal.

It should be noted that the prohibition does not extend to flat fee marketing (e.g., paying for advertising space).

Billing in the Name of Another

Medicaid has learned that many physicians routinely allow extenders to bill in the physician's name, thereby reaping an additional 20% for such services. Unfortunately, not only is such conduct illegal, but Medicaid (and soon Medicare) regularly analyzes the number of services attributable to a single physician and will investigate when it feels that the number of services/physician exceeds the statistical norm.

A similar and equally illegal situation occurs when a newly hired surgeon performs surgery on an insured patient before being admitted to the patient's insurance panel, but instead bills in the name of another group physician who is on the panel. It is therefore critical that groups finalize credentialing before a new hire is allowed to operate.

Annual Meeting Requirement

Several members have received threatening solicitations stating that their professional associations must hold annual shareholder and director meetings.

While such laws do exist, there is NO need to pay for somebody else to prepare the minutes. Simply have the shareholder(s) elect the director(s), and then have the director(s) elect the officers. Put it on a piece of paper, have the corporate Secretary sign it, and put the piece of paper in a safe place. It takes five minutes, and it is free.

If you want it to look more official, you may contact FSTCS General Counsel Chris Nuland, who can do it for FSTCS members for \$50 per corporation.

Mark Your Calendar



Important Meeting Dates:

**FL Society of Thoracic &
Cardiovascular Surgeons
44th Annual Scientific Meeting**
July 8 - 10, 2011
Ocean Reef – Key Largo, FL

Florida Medical Association
2011 Annual Meeting
July 29 - 31, 2011
Disney's Contemporary Resort
Orlando, FL

South Atlantic Cardiovascular Society
38th Annual Meeting
August 4 - 7, 2011
Kiawah Island, SC

Southern Thoracic Surgical Association
58th Annual Meeting
November 9 - 12, 2011
J W Marriott San Antonio Hill Country Resort
San Antonio, TX

Society of Thoracic Surgeons
48th Annual Meeting
Jan 30 - Feb 1, 2012
Ft Lauderdale, FL

Florida Chapter, American College of Surgeons
2012 Annual Meeting
May 3 - 5, 2012
Hyatt Regency Sarasota
Sarasota, FL



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For more information, contact Shelly Hakes, Director of Society Relations at (800) 741-3742, Ext. 3294.

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FSTCS
1000 Riverside Ave, #220
Jacksonville, FL 32204

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Officers

Gary D. Dworkin, M.D., President
Jeffrey N. Bott, M.D., Secretary/Treasurer

Address Correspondence to:

FSTCS Newsletter, Attn: Bridget Anderson
1000 Riverside Avenue, Suite #220
Jacksonville, FL 32204

Phone: (904) 356-9300 • Fax: (904) 356-4118

E-mail: fstcs@comcast.net

Website: www.fstcs.org