

Rhode Island Medical Society Council

Meeting of Monday, April 12, 2010

Meeting Highlights

Flooding RIMS has reached out to RIMS members in two ways in the wake of the recent storms. RIMS informed the community of the forced relocation of a medical practice; and the Trustees of the RIMS Benevolence Fund created a small initial fund from which the Executive Director may administer small grants to individual RIMS members. Other assistance to RIMS members may be possible when more complete information has been assembled.

Provider tax The RIMS-led effort to challenge the state's provider taxes, which were enacted in 2007, is approaching a milestone. The judge may render a decision within a few weeks.

Medical marijuana On January 27 the Health Department released to the *Providence Journal* the names of 349 Rhode Island physicians who have completed certificates for patients under the state's new medical marijuana law. The release included the number of certificates that each physician had completed; a total of about 1250 patients have received such certificates.

Upon learning that the *Journal* intended to publish the names and statistics, RIMS immediately objected, sending a strong statement to the *Journal*. RIMS' legal counsel also contacted the Department to question its rationale for releasing information (the physicians' names) that was thought to be confidential and was clearly described as such on the Department's own official website.

However, a reference to HIPAA in the law arguably renders the statute ambiguous. RIMS' concern that the appearance of the article (on Sunday, March 14) would discourage some physicians from providing further certificates has been borne out.

Minimum volumes for procedures The Department of Health is limiting esophageal and pancreatic cancer surgeries to certain high-volume facilities, based on evidence that higher numbers are associated with better outcomes. RIMS has asked the local chapters of ACS, ACC and AAOHNS for guidance in evaluating these regulations.

UnitedHealthCare The Council considered how the Medical Society might respond to a recent example of United's abuse of an out-of-network physician. In this and other known instances, United has refused to disclose the methodology by which it pays out-of-network physicians, thus depriving such physicians of a basis for disputing both suspected underpayments and recoupments of "overpayments." RIMS will revisit the issue directly with United and consult with other resources.

Payment disparities Physicians and hospitals within the state are paid at different levels for comparable services. Market forces and differential negotiating leverage clearly play a role in creating and perpetuating these discrepancies. Hospitals in general and hospital

systems in particular have long commanded a disproportionate share overall of Rhode Island's health care dollar vis-à-vis physicians, compared to other markets. Moreover, insurers' recent rate hike requests reflect weighting toward hospital cost increases. The presence of a virtually monopsonic payer in Rhode Island's highly concentrated market may also play a role. The differing "medical loss ratio" (i.e., proportion of premium spent on health care) of various plans in various markets was discussed. Current and past legislative initiatives of RIMS have sought to set minimum ratios for plans at 85%, and the recently passed federal reform actually does so.

Nominating Committee Dr. DePalo has appointed and will chair a Nominating Committee composed of Dr. Gary Bubly, Dr. Nitin Damle, Dr. Candace Dyer, Dr. David Etensohn, Dr. Arthur Frazzano, and Dr. Barbara Schepps. The Committee will plan to report to the Council on June 7, or on August 2 at the latest. Council members are encouraged to share suggestions soon with any member of the Committee.

RIMS' 2010 legislative agenda includes some 118 items, 18 of which are RIMS initiatives, including a new soft drink tax, minimum medical loss ratio for health plans, liability reform (benevolent gestures, prejudgment interest, supervision of Physician Assistants, overdose prevention), indoor tanning dangers, and items relating to formularies, radiologic techs and expedited partner therapy.

Members of the Council signed up to spend afternoons at the State House under RIMS' "House Call" program.

Loan forgiveness Rhode Island's new loan forgiveness program for primary care physicians has identified its first three beneficiaries. RIMS, Blue Cross and the Rhode Island Foundation cooperated with Rhode Island Student Loan Authority and RI-AHEC to establish the program last year.

The **RI Academy of Physician Assistants** welcomes the cooperation of RIMS on legislation enabling PAs to use their skills more freely in emergency situations and the prospect of PA training programs at URI and Johnson & Wales.

The **RI Gastroenterology Society** supports RIMS' challenge to the state provider tax and the reform of an anomalous Medicare policy that makes it impossible to tell colonoscopy patients ahead of time whether they will be responsible for a co-pay.

The **RI Neurological Society** and the **RI Neurology Society** are merging to form a single association.

The **RI Neurosurgical Society** represents a community of just twelve neurosurgeons, half of whom form the Neurosurgical Foundation. The community looks forward to the leadership of Garth Rees Cosgrove, MD, who will be the new Chief of Neurosurgery at Rhode Island Hospital and The Miriam.

The **RI Medical Women's Association** will honor Sharon Rounds, MD, as RI Woman Physician of the Year on Tuesday, May 4, 2010, at the Providence Marriott.