“Red Flag” regulations may be in force August 1

While the AMA continues to challenge the logic and appropriateness of the Federal Trade Commission’s imposition of new “Red Flag” requirements on medical practices, the clock continues to tick down toward enforcement effective August 1. AMA previously succeeded in winning two postponements, first from November 1, 2008 to May 1, 2009, and then again until August 1, 2009. A third postponement may not be in the cards. Therefore, practices are advised to be ready, and the AMA is providing practical online resources that are available free of charge to all physicians through the AMA’s Practice Management Center at ama-assn.org/go/pmc.

The “red flag” rule is intended primarily to protect consumers from identity theft and minimize the impact when such theft occurs. Identity theft is a fast-growing and costly crime in the U.S. Besides the more familiar forms of financial identity theft, patients and health care providers must be alert to the threat of medical identity theft, which can involve the misappropriation of a patient’s insurance information or other personal data to make false claims for medical services or goods. Besides wreaking financial havoc, medical identity theft has the potential to taint and falsify medical records, which can lead to inappropriate medical treatment and consequently to medical professional liability exposure for the doctor. Medical offices do well to make a practice of checking photo identifications of unfamiliar patients.

Compliance with the “Red Flag” regulations will require more than checking patients’ IDs, however. They call for medical practices and various other entities that serve the public to have “reasonable policies and procedures in place” to detect and respond to “Red Flags.” Red Flags are signs or indications that identity theft has occurred or could occur.

Rhode Island doctors to get model protection against insurers’ abuse of discounts

This year’s chaotic General Assembly session may yet yield a good result or two for Rhode Island physicians in the form of the nation’s first enactment of model legislation to address the threat of “silent PPOs.” These proliferating entities are part of a lucrative, shadowy, secondary market that exploits technology to cheat American physicians on a massive and rising scale.

In most states, physicians have little awareness of the national network of parasitic companies that specialize in expropriating doctors’ discounts without the doctors’ knowledge. It takes a sharp eye to recognize illegitimate use of discounts that a practice may have agreed to contractually with one payer but are being silently claimed by other payers with whom the practice has no contractual relationship. And if spotting such piracy is hard, combating it can be even harder.

Enter the AMA, RIMS and the National Conference of Insurance Legislators (NCOIL). NCOIL just happens to have had two Rhode Island legislators in its leadership at a critical time: Representative Brian P. Kennedy, (D-Westerly and Hopkington) and Senator David E. Bates (R-Bristol and Barrington). RIMS has long relationships with both. RIMS was able to interest Messrs. Kennedy and Bates in the arcane issue of “rental networks” and “silent PPOs,” and Kennedy, in particular, got NCOIL to focus on drafting model legislation that stands to benefit physicians across the country. Five other states (Colorado, Connecticut, Indiana, Ohio and Florida) have sought to address the general problem legislatively in recent years; NCOIL’s model bill attempts to draw upon the experience and best features of those states’ statutes. NCOIL unveiled its model bill in November 2008, and it was first introduced in Rhode Island.
Red Flag – continued
According to the Federal Trade Commission, “Red Flags” for identity theft include the following:

- Alerts, notifications or warnings from a consumer reporting agency indicating that an individual’s identity may have been stolen.
- Suspicious documents or suspicious personal identification information, such as inconsistent addresses or a nonexistent Social Security number.
- Unusual or suspicious activity relating to a person’s (patient’s) account. (E.g., your legitimate patient might receive an EOB for a service or product that he or she did not receive.)
- Notification from a client (patient) or from law enforcement indicating that identity theft may have occurred.

Medical practices are already familiar with the privacy and security rules associated with HIPAA, which protects “personal health information” (PHI). PHI is also protected by the Red Flags Rule, but the Rule extends further to protect credit card information, tax identification numbers of all kinds, insurance claim information, and background checks for employees and service providers.

As with HIPAA, practices need to have administrative, technical and physical safeguards in place to protect all such personal data. In addition, practices need to plan how they will detect, document, report and counteract instances of identity theft.

The AMA provides excellent, free guidance to medical practices on the Red Flags Rule, including suggested sample policies to help medical practices comply. These outstanding resources are available to all through the AMA’s rapidly expanding Practice Management Center at ama-assn.org/go/pmc under “Red Flags Rule resources.”

AMA members and their practice staff can also email the AMA Practice Management Center at practicemanagementcenter@ama-assn.org or call 800-262-3211 for help.

Silent PPOs – continued
Assuming the bill is enacted this year, a new chapter of Rhode Island law entitled “Rental network contract arrangements” will make it illegal for “silent PPOs” to remain silent. It will empower physicians to identify and deny illegitimate discounts. Entities that contract directly with physicians (e.g., UnitedHealthcare, Blue Cross, Tufts, etc.) will have to register with the RI Department of Business Regulation and then submit to oversight, strict limitations and reporting obligations on any arrangements to make their providers’ discounts available to other networks. Blue Cross & Blue Shield of RI has long assured RMS that it does not engage in such trafficking with physician discounts to begin with! The enforcement provisions are already spelled out in the “Unfair competition and practices” section of Rhode Island insurance law.

The national phenomenon of “rental networks” and “silent PPOs” was first exposed by the AMA through its Advocacy Resource Center (ARC) about four years ago. The ARC quickly began encouraging NCOIL to draft model legislation and raised the alarm to organized medicine in detail at a national conference on state legislation in January 2006.

The Rhode Island Medical Society’s Government Affairs Director, Steven R. DeToy, is a founding member of the Executive Committee of the ARC’s ARC.

FROM THE PRESIDENT
DIANE R. SIEDLECKI, MD
PRESIDENT, RI MEDICAL SOCIETY

Guilty as Charged
Instead of writing a long overdue article, I went for a paddle – kayak – Oak­land Beach to Apponaug.

Sunday morning, crisp air, tide in, sun out, perfect breeze (and at 55 make sure wind is at my back on the return trip). . .

And I thought of you my colleagues, my other responsibilities, and wished we all could somehow leave it behind – you, the know the pressure of each and every moment at work, the calls, the schedule, the paperwork (yeah, even with EMR), the endless items in the buckets (yeah, of the EMR).

So, in a way I did – to look at the shoreline, the swells as the wind picked up – the sailboats, the kids laughing… and a grin on my face I would not suppress even if I could. Alive. Joy. Freedom.

Realizing that even doing something I thoroughly enjoy I am looking towards the end – like a day at work… enjoy, honored and blessed by what I do – but always an eye on the end…

When did that happen?

The moment it became work – not a calling. The moment I had to fight for a payment for “services rendered.” The moment I had too many tasks not appreciated or paid for.

But still I am measured
compared
dissected
“evaluated.”

When did we stop trusting?

Damn – not paying attention and just got soaked –

Hah – Laugh out loud

And stop

Enjoy each wave –

Each glide over the top

Each salty dip –

a mesmerizing motion meant to comfort –

And I stopped – completely

And allowed

Myself a moment of sheer joy…

Refreshed – still no article.

But this I give you – a piece of me…

Hope it is enough.

Second Wind
Newell suggested I write about the EMR – something I know. Ha.

An intimate relationship with an object does not give you knowledge of its internal machine, it just gives you a very personal understanding how directly you are affected.

My husband refers to my laptop as my boyfriend – Boyfriend – Yeah, boy­friend – he says you spend more time with that than me (mind you he is watching the Celtics and I am typing away – “bonding” with a “Wow. What’s the score now – great play” – I do see replays).

My response after a nanosecond of thought: “Hey, if I am lucky enough to have a boyfriend and a husband – why am I not having a better time?”

He pauses – says – that’s a great question – pause. I don’t know – ask your boyfriend. That is the EMR in a quick brief nutshell – Momentarily exciting.

A guide to remind you –

Yes, you are in a relationship with a

Too expensive
Too flawed
Too much work
Too demanding

Boyfriend “without benefits.”

Go figure.

FROM PAGE ONE
The Woodlawn Community Center in Pawtucket was the setting for the 16th Annual TarWars® Rhode Island Statewide Poster Contest on Saturday, May 9, 2009.

Catherine A. Norton
Assistant Director, Professional and Community Services

The Woodlawn Community Center in Smithfield, who received a $50 gift certificate. The Rhode Island Academy of Family Physicians and the Rhode Island Chapter of the American Academy of Pediatrics partner with RIMS each year to sponsor TarWars® Rhode Island under the leadership of Arthur A. Frazzano, MD. RIMS is grateful to the judges for their time and their effort in evaluating the entries in the 2010 TarWars® program.

The event was well attended and featured work by 5th grade students from more than two dozen Rhode Island schools. The event was well attended and featured work by 5th grade students from more than two dozen Rhode Island schools. The top prize, an all-expense paid trip to the National TarWars® competition in Washington, DC, for the winner and her parents, was garnered by Olivia Houston of The Pennfield School in Portsmouth. Second place and a $75 gift certificate went to Bianca Martin of Fallon Memorial School in Pawtucket, third-place went to Olivia DeAngelis from the LaPerche School in Smithfield, and Olivia Houston from The Pennfield School in Portsmouth.

The program's perennial success reflects the commitment of the physician-presenters who engage the students as teachers, role models and advocates. RIMS members who may be interested in participating in the 2011 TarWars® program may contact Catherine Norton at 401-528-8286 for more information. New volunteer presenters are always needed and welcome; no experience is necessary. RIMS furnishes program materials, suggestions and guidelines.

The Rhode Island Medical Society Foundation supports TarWars® Rhode Island under the leadership of Arthur A. Frazzano, MD, Chair of TarWars® Rhode Island. The event was well attended and featured work by 5th grade students from more than two dozen Rhode Island schools. The top prize, an all-expense paid trip to the National TarWars® competition in Washington, DC, for the winner and her parents, was garnered by Olivia Houston of The Pennfield School in Portsmouth. Second place and a $75 gift certificate went to Bianca Martin of Fallon Memorial School in Pawtucket, third-place went to Olivia DeAngelis from the LaPerche School in Smithfield, and Olivia Houston from The Pennfield School in Portsmouth.

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TarWars® Rhode Island Chair Arthur Frazzano, MD with a prize for first place winner Olivia Houston of The Pennfield School.

Brown medical student, Steve Lee, MD’11 admires a helmet for proper fit.

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Bald Hill Pediatrics
Consultants in Urology, Inc.
East Bay Pediatrics
Family Doctors of East Providence
FTI Colorectal Clinic, LLC
Orthopedic Associates
Pawtucket Valley Urgent Care
RI Colorectal Clinic, LLC

Laurie and Greg Dubel
Marvin Wasser, MD, FAAP
Elizabeth M. Sutton
Lynn A. Sweeney, MD
Steve Migliori, MD and Sidney Migliori, MD
E. James Monti, Jr., MD
Frank Merlino, MD
Joseph L. Migliori, MD
Michael E. Migliori, MD
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John J. Przygoda, MD
Jeff and Kate Brody
David Carter, MD and Colleen Cleary
Katherine Castree, MD
Heather Chapman MD and Andrew Sucov, MD
Fredric V. Christian, MD
Stuart V. Demiris, MD

The following RIMS members and members' organizations deserve recognition and thanks for their generous donations to the Rhode Island Medical Society Foundation to purchase bicycle helmets for RIteCare children age 8 and younger. On Saturday, May 9, 2009, RIMS volunteers distributed and fitted about 225 bicycle helmets, while handing out other biking safety items and advice to RIteCare families.

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Three reasons why should you belong to the American Medical Association:

1. **The AMA is working in the private sector, advocating strongly for doctors who face challenges from third-party payers.** We’re also helping you manage your practice with educational materials on contracting, information technology and more.

2. **Turn to American Medical News for insight into the business side of medicine.** Learn about clinical advances through JAMA and Archives specialty journals. Get the latest news on important health care issues and studies through AMA Morning Rounds.

3. **The AMA is the only organization that unifies and speaks for all doctors.** We’re working on national challenges that affect you and your patients, such as solving the problem of the uninsured and the replacement of the Medicare physician payment formula.

To join the AMA, call RIMS at (401) 331-3207.
Newly elected specialty society officers

**RI Medical Women’s Association**
- President: Alison McGregor, MD
- Treasurer: Marlene Cuttar, MD
- Immediate Past President: Elizabeth Lapowsky, MD

**RI Psychiatric Society**
- President: Russell Pet, MD
- Past-President: Jay Thornton, MD
- President-elect: Melissa Ludwig, MD
- Secretary-Treasurer: Karen Rosen, MD
- Member in Training Representative: Scott Shaffer, MD
- Councilors: Jody Underwood, MD
- Liliya Kofiman, MD
- Scott Haltzman, MD
- Richard Wagner, MD

**RI Chapter, American College of Emergency Physicians**
- President: Daren Girard, MD
- Vice-President: Matthew Kopp, MD
- Secretary/Treasurer: Cliff Fields, DO
- Immediate Past President: Gary Bubly, MD
- Councilors: Neda Rauker, MD
- Jessica Smith, MD
- Legislative Affairs Committee: Anand Shah, MD (Vice Chair)
- Resident Representatives: Tobias Kummer, MD
- Christopher Muszynowski, DO

**RI Society of Anesthesiologists**
- Secretary: Afreen Siddiqui, MD

*At the RIMWA Annual meeting: [Seated L–R] Frances Conklin, MD; Pamela Harrison, MD; Elizabeth Altenhein, MD; Elizabeth Maynor, MD; Anand Shah, MD. [Standing L–R] Ekaterini Tsiapali, MD; Daren Girard, MD; Lisa Pasternak, MD; Neda Rauker, MD; Michael E. Migliori, MD; Michael Trendfoot, DO; Christopher Muszynowski, DO; Gary Bubly, MD.*

**Rhode Island Chapter, American College of Emergency Physicians (RI ACEP)**
- President: Daren Girard, MD
- Secretary/Treasurer: Matthew Kopp, MD
- Immediate Past President: Gary Bubly, MD
- Resident Representatives: Anand Shah, MD, Neha Rauker, MD, Christopher Muszynowski, DO

**Lifespan emergency medicine residents attend the RI ACEP annual dinner.**

**Does RIMS have your email address?**

Email has become the preferred medium by which RIMS communicates timely information to its members. Please keep Sarah Stevens (ssstevens@rimed.org) apprised of your address. RIMS never gives members’ email addresses to third parties. RIMS uses its broadcast email judiciously and exclusively for communications that are timely, important, informative and concise.

**RIMS Foundation Annual Charity Golf Classic**

Monday, September 21, 2009
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NORCAL is proud to be endorsed by the Rhode Island Medical Society as the preferred professional liability insurer for its members.
Saving the Office of the Health Insurance Commissioner

RIMS and the Lieutenant Governor organized a press conference for Tuesday, June 23, in the Rotunda of the State House to call upon the House of Representatives to restore funding in the state budget for the five year-old Office of the Health Insurance Commissioner. With quick mobilization of grass roots support from more than 150 doctors, RIMS and its ad hoc coalition of community groups were successful in saving OHIC.

[R–L] Nick Tsiongas, MD, RIMS Past President; Amy Black, Executive Director of HealthRIght; Representative Frank G. Ferry (D-Warwick)

RIMS President Diane R. Siedlecki, MD (speaking); [L–R] Lieutenant Governor Elizabeth Roberts; Ted Almon, CEO of Claflin Corp; Representative Deborah Ruggerio; Linda S. Lulli of Bryant University representing the RI Business Group on Health; Phil Papoojian of Mereco Technologies; Senator Joshua Miller (D-Warwick and Cranston)