

# BACK BONE



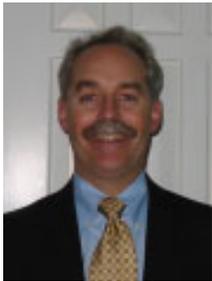
Volume 6

Publication of the Connecticut Orthopedic Society

Fall 2003

## President's Corner Michael Marks, M.D., M.B.A.

---



### Q. Which phrase best describes the orthopedic surgeon?

1. **Dependent personality** - behaves like lemmings following the one in front over the edge of the cliff.
2. **Independent personality** - won't listen to rational reasoning - dealing with them is like herding cats.
3. **Willow tree** - continually blows with the prevailing wind.
4. **All of the above.**

*Answer: 4*

When used constructively these personality traits can be an asset. However, over the past decade we haven't used them to our advantage. We let the Managed Care Organizations (MCOs) take hold a decade ago because we were afraid of losing patient volume. Today we maintain our enrollment since we are looking to increase volume just to maintain revenue because fee schedules are continually being decreased, but there is a limit to the number of patients that can be seen in a day. Patients are complaining that we don't give them enough time, and they might be right. Unfortunately, to them we have become another societal commodity - it only costs \$15 to see Dr. Marks. We have long protected our patients from the evils of managed care. This is a battle we can win if we take the MCOs out of our practices. Don't be afraid to drop a payor. It may cause some pain in the short-term, but will pay dividends in the long run.

We were all happy when Workers' Compensation produced a reasonable fee schedule. However, Third Party Administrators (TPA) are taking a chunk of the reimbursement that is rightly ours. It seems everyone is making a living from the work we are doing. Take for example Medicare. Due to an error in the Medicare payment formula we are getting paid at 1991 levels. If Congress doesn't fix this problem we will see further cuts in our

reimbursements. It is wonderful that Congress is going to pass prescription benefits, but if doctors leave Medicare, who will write those prescriptions?

We are currently in the midst of a medical liability crisis. We can't fight this battle alone. We must enlist our patients, the public. I have spoken to state and federal legislators this past year - but they want to hear from their constituents. We must educate their constituents - our patients.

The AAOS is ready to help us. They have materials that are available to you. May I suggest that we make our waiting rooms the headquarters for our battle? Clear out all the magazines and only have literature about the problems related to healthcare in the waiting room. Have blank letters available that patients can sign pointing out to our legislators the problems with different healthcare issues. The AAOS is ready to help, but you must help them. This is a symbiotic relationship.

At the May 2003 annual meeting I pledged \$1,000 to this effort. I have made good on that pledge. I have asked all the Board members to do likewise. Spending \$1,000 may save you \$30,000 this year or next. Nowhere else can you get that type of return on your money. Please contact Susan Schaffman, Executive Director at [sasshops@aol.com](mailto:sasshops@aol.com) with your pledge and the AAOS will send a form to you.

# Practice Concerns

---

## Connecticut Liability Reform - An Update

The State of Connecticut has released the Program Review and Investigations **Report on Medical Malpractice Insurance Rates in Connecticut**. This report includes information and data on the Connecticut tort system and the Medical Liability Insurance Market.

Among the highlights of the report are:

- ◆ Since 1991 total premiums have increased significantly in Connecticut.
- ◆ Total earned premiums in Connecticut are consistently higher on a per capita basis than on the nation as a whole.
- ◆ Both incurred and paid losses have increased.
- ◆ Incurred losses have doubled over the last decade.
- ◆ Paid losses increased 112% from 1991 to 2002.
- ◆ Frequency of claims has been fairly constant while severity has increased.
- ◆ Mean payments have increased from \$240,000 to \$435,000 from 1996-2002.
- ◆ Investment income decline has been relatively minimal.
- ◆ Carriers have allocated a majority of their investments in bonds.
- ◆ The cost of reinsurance has increased.
- ◆ Excess reserves have helped keep premium rates low in the past, but insurers report the excess has been depleted.
- ◆ Profitability in the medical malpractice line of insurance has declined and since 1999 profitability in Connecticut has been less than zero.

After reviewing and completing its research the committee will issue its recommendations in early December. Any legislative action will occur in the 2004 session of the Connecticut legislature.

To view the entire report, log onto [www.ctortho.org](http://www.ctortho.org) and select Legislative Updates or go to <http://www.cga.ct.us/>, select "Studies 2003" and scroll down to "Medical Malpractice Insurance Costs."

## HIPAA TCS Regulations In Effect

The HIPAA Transactions and Code Sets (TCS) regulations became effective on October 16, when all but the smallest orthopedic practices must submit insurance claims electronically and in accordance with the new regulations.

CMS has announced that it won't penalize health plans that pay claims that don't meet the standards, but that it will not force them to pay claims either. While the latest guidance removes the immediate threat of fines for payers, it puts physicians at the mercy of those same organizations. While some payers have publicly said they want to keep paying providers who are struggling to meet the new standards, others may see little incentive to help providers. (By not making payments, they can make money on the "float."). The AAOS has outlined six recommended compliant steps on the Academy's Web site at [www.aaos.org](http://www.aaos.org). Go to the News Dispatch segment of the Practice Management Center. AAOS membership identification is required for access.

## Changes in EMTALA

In a final rule to become effective Nov. 10, the Centers for Medicare & Medicaid Services gave hospitals greater flexibility in creating ED coverage schedules for specialists stating that specialists could be on call at multiple hospitals at the same time and could schedule elective procedures during their on-call hours.

Physician offices would not be subject to the regulations. CMS said physicians should call emergency medical services when confronted in the office with a patient requiring emergency care and should provide whatever assistance they can before EMS arrives.

**For more information on the new EMTALA rules log onto: [www.cms.gov/providers/emtala/cms-1063-f.pdf](http://www.cms.gov/providers/emtala/cms-1063-f.pdf).**

*The Backbone is a publication of the **Connecticut Orthopedic Society**. Comments and suggestions should be directed to:*

**Susan Schaffman, Executive Director**  
**26 Riggs Avenue, West Hartford, CT 06107**  
**(860) 561-5205 phone**  
**email: [sasshops@aol.com](mailto:sasshops@aol.com)**

# Orthopedists of Interest

---

When I'm Not Practicing Medicine by Lawrence Schweitzer, M.D.

***About the Author*** Lawrence Schweitzer, M.D., is a general orthopedist who practices in Danbury, Connecticut. He has over 150 exotic plants in a greenhouse (about the size of a basketball court) of his own design. Dr. Schweitzer submitted beautiful color photos of some of his orchids however, we did not publish them in this issue because we could not do justice to them due to our printing restraints. If you would like to see the color photos, log onto the Society's website at [www.ctortho.org](http://www.ctortho.org) and go to News & Information and select BACKBONE.

Now when I come home from the office, just like you, I'm pretty pooped. But do I sit back with a scotch, newspaper, the ballgame and crash before dinner? No way. Though I don't count myself a particularly spiritual man, I find the tranquility and peace I need to recharge my batteries lies just a few steps away in the greenhouse.

I grow orchids, and not that stuff you find at Home Depot... real orchids from so very, very far away. There are upwards of 30,000 species and many are so fantastic it boggles the mind. This is no small endeavor, but an endeavor that utilizes all my clinical skills to be successful. And because many orchid societies exist, there are opportunities to rub shoulders with experts who make acquiring the necessary skills a pleasure. That's how I learned. It can take many years, but what worthwhile enterprise doesn't? An opportunity to share, travel, exchange ideas ...you get the idea. These plants, like all the others, will tell you just what they need. Learn to read the signs and symptoms and voila...it's just another kind of medicine. Semiology but without the benefit of English. Winning awards at shows is only half the thrill. I've had photographs of my plants published, I have delivered talks at various society meetings, and I have traveled to the four corners of the world to get a better understanding of just how these critters live when left to their own devices.

Even without a greenhouse, one can be quite successful. Hanging outside in dappled shade, they'll grow like crazy from mid May till Labor Day. Indoors, under fluorescent lights, you have total environmental control. Many folks just grow their orchids on trays on a windowsill. The key to success is to read, visit others with similar setups, and join a local orchid society where folks are happy to share their knowledge.

Why not check out the annual orchid show this spring in New York City? Here, you can see a wide cross section of species and hybrids on glorious display. I guarantee you'll see plants from Australia, Burma, New Guinea, India, Ecuador, Columbia, Panama, and the list goes on. There will be seminars and discussions about various aspects of

orchid culture and vendors from near and far. (The show is densely crowded on weekends so consider Thursday or Friday.)

So when I come home and ask "How was your day? Can I get you a drink?" It's not always my dear wife I'm talking to.

**EDITOR'S NOTE:** This column was created by Dr. Ron Ripps, Immediate Past-President of the Society. The Society appreciates his assistance as the contributing editor for this column.

## Submit A Story

The Connecticut Orthopedic Society would like to hear from any member who has an interesting hobby, pastime or human interest story.

If you would like to share your story, please email your 500 words (or less) article to Ron Ripps, M.D. at [ronripps@att.net](mailto:ronripps@att.net). All submissions should be in Microsoft Word format and sent to Dr. Ripps prior to December 15th for the Winter 2004 issue of BACKBONE.

If your story is selected for the next issue, you will be notified. We hope to hear from many of our members.

# All New www.ctortho.org

The Society is pleased to announce a newly designed and easy to navigate website with information vital to your practice. Log onto [www.ctortho.org](http://www.ctortho.org) to obtain programs and seminar information, pay dues and registration fees using your credit card, legislative updates, political contacts, membership materials and more.

Please share your feedback regarding the site.  
Simply email your comments to  
[sasshops@aol.com](mailto:sasshops@aol.com).  
We look forward to hearing from you!

## Executive Board

---

**President Michael Marks, M.D.**

40 Cross Street, #300, Norwalk, CT 06851  
Phone: (203) 845-2200, E-mail [mmarks1998@aol.com](mailto:mmarks1998@aol.com)

**Vice President (President-Elect) Robert Green, M.D.**

1000 Asylum Avenue, Hartford, CT 06851  
Phone: (860) 728-6740, E-mail [greenmd@aol.com](mailto:greenmd@aol.com)

**Secretary/Treasurer and Councilor Edward Collins, M.D.**

150 Mansfield Avenue, Willimantic, CT 06226  
Phone: (860) 456-3997, E-mail [tedcnetmail@netscape.net](mailto:tedcnetmail@netscape.net)

**Councilor Frank J. Gerratana, M.D.**

73 Cedar Street, New Britain, CT 06052-1390  
Phone: (860) 832-4666, E-mail [frank@dgne.com](mailto:frank@dgne.com)

**Immediate Past President Ronald A. Ripps, M.D.**

33 Hospital Avenue, Danbury, CT 06810  
Phone: (203) 792-5558, E-mail [ronripps@att.net](mailto:ronripps@att.net)

**Executive Director Susan Schaffman**

26 Riggs Avenue, West Hartford, CT 06107  
Phone: (860) 561-5205, E-mail [sasshops@aol.com](mailto:sasshops@aol.com)

## How to Join the Board

The Society is looking for members from TOLLAND COUNTY who would like to become active representatives on the Board. If you would like to be part of the bigger picture and proactively help the profession of medicine, please contact Susan Schaffman at (860)561-5205 or [sasshops@aol.com](mailto:sasshops@aol.com).



Administrative Office  
26 Riggs Avenue  
West Hartford, CT 06107