

September 27, 2019



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Ortho News This Week

COA Lobbying Efforts Are Successful

COA

Orthopaedic Surgeons are Exempted from AB 5

AB 5 redefines whether someone is an employee or independent contractor for purposes of Worker's Compensation or unemployment insurance. Governor Newsom has signed the bill into law.

The bill is expected to require employers to reclassify people working in their businesses as employees, previously they were considered an independent contractor. This will require employers to provide Worker's Compensation and Unemployment insurance for these individuals significantly driving up these costs for businesses. For example, Uber and Lyft are adamantly asserting that individuals who are independent contractors, not employees. They were not exempted from the bill.

No worries for physicians.

As a result of COA and lobbying efforts from other medical associations, physicians were exempted from the bill. [Click here to view the language in the bill.](#)



Anthem Blue Cross — July, 2019 Contract Changes — Did You Know?

COA

There has been a lot of controversy around the July 2019 Anthem Blue Cross PPO and Worker's Compensation contract changes:

The notices were not sent by certified mail, so many offices were unaware or did not receive the



though the letter said that there was a signature page enclosed that you could sign and send back to opt-out of the changes, no signature page was enclosed. There was no address/email on the letter where you could send your response.

COA has raised all of these issues with Anthem and we continue to investigate whether it would be possible to file a complaint with the Department of Managed Health Care – the state entity that regulates Anthem – regarding this notice.

The notice did notify practices that Anthem was offering to reimburse providers only 85% of the Official Medical Fee Schedule for treating injured workers (many orthopaedic practices had opted out of these reductions in prior notices) and that Anthem was implementing an increase to Evaluation and Management services.

What the notice failed to mention is that Anthem was also implementing reductions in reimbursement for surgical procedures under their PPO contract.

COA Members are reporting reductions of 3% -11%. 11% reductions are being seen for the following orthopaedic procedures: 29880, 29881, 29882, 29888, 29883, 29822, 29826, 29827, 27446, 27447, etc.

We do not know if these reductions were implemented statewide, but we wanted to alert our members and urge you to investigate what the impact of these contract changes has been on your practice. You should contact Anthem Provider Relations with any questions.

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California Orthopaedic Associations

SAVE THE DATE

REGISTRATION OPENS
JANUARY 1, 2020

COA 2020 ANNUAL MEETING
QME COURSE & CBONES ANNUAL MEETING
April 16-19, 2020
Terranea Resort, Rancho Palos Verde, CA

Blue Shield of California announces coverage of AposTherapy treatment for patients with knee osteoarthritis and chronic lower back pain

Blue Shield of California

AposTherapy® is an at-home treatment with a foot worn device used for an hour each day while doing normal daily activities. The AposTherapy System is individualized based upon visual and measured gait assessment by trained professionals who adjust the distribution of weight/force(s) being applied to a lower limb. Over time daily use helps to restore proper functional alignment, enhance muscle proprioception, decrease pain and



improve gait patterns even while not wearing the device. AposTherapy is FDA cleared for the treatment of patients with Osteoarthritis of the knee. [READ MORE](#)

UM surgeons implant 'Terminator-style' 3-D printed chrome ankle bone in novel surgery

Miami Herald

For the first 15 or so hours after Gracia Sylla woke up from surgery, she couldn't feel her legs. She was scared and uncertain if the risk she had taken by having an unusual surgery involving a 3D-printed bone would work. Sylla, 24, had just undergone an operation that had only been performed about 100 or so times in the country. [READ MORE](#)



Trial approaching in California hospital antitrust case

The Associated Press

Spurred in part by former President Barack Obama's health care law, hospitals across the country have merged to form massive medical systems in the belief it would simplify the process for patients. But a simpler bill doesn't always guarantee a cheaper bill. That's a key issue in an antitrust lawsuit against one of California's largest hospital systems set to begin Monday. [READ MORE](#)



Questionable Stark Law case eases burden on Qui Tam Relators

HLB

In a September 17th opinion, the 3rd U.S. Circuit Court of Appeals overturned a District Court decision dismissing whistleblower claims against the University of Pittsburgh Medical Center ("UPMC") alleging violations of the Stark Law and the False Claims Act ("FCA").[1] The claims stem from allegations of improper compensation paid by UPMC to a number of employed neurosurgeons. At the heart of this case is the compensation structure described in employment agreements between the neurosurgeons and UPMC-affiliated entities. [READ MORE](#)



Research spotlight: Non-pharmacologic services for pain management in workers' compensation

WCRI

Opioid dispensing to workers injured on the job has decreased substantially in recent years in all 27 state workers' compensation systems studied, according to a WCRI report, Interstate Variations in Dispensing of Opioids, 5th Edition. Increases in non-opioid pain medications did not fully offset these decreases. As a result the percentage of workers' compensation claims with pain medication decreased in each of the 27 study states. [READ MORE](#)



DWC posts adjustments to official medical fee schedule (DMEPOS)

The California Department of Industrial Relations

The Division of Workers' Compensation (DWC) has posted an order adjusting the Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) section of the Official Medical Fee Schedule to conform to the fourth quarter 2019 changes in the Medicare payment system as required by Labor Code section 5307.1. [READ MORE](#)



Report

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California Orthopaedic Association

[1246 P Street](#) | [Sacramento, CA 95814](#) | [916-454-9884](#) | [Contact Us](#)

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