The Leg.Up
Local, state and national news of interest to the physician community
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AARP Questions Common Medical Tests

When the AARP tells its 38 million members about "Ten Tests to Avoid," it gets the public's attention.
In its March 2014 AARP Bulletin, the Washington-based association and lobbying group for people 50-plus reports, "Doctors are warning that some of the common medical tests routinely taken by Americans do more harm than good, waste billions of health care dollars annually and could endanger your health or even your life."

Among the tests the AARP reports are considered overused by "prestigious panels of doctors": Pap smears, regular PSA tests, regular EKGs and even routine yearly physicals.

"Overuse of such tests leads to dangerous side effects, pain radiation exposure, unnecessary surgery - even death, the doctors said."

The AARP Bulletin quotes the American Board of Internal Medicine Foundation, which "asked more than 50 medical societies - of family doctors, oncologists, cardiologists and other specialties - to identify tests and treatments that are often unnecessary."

AARP is a consumer partner with a campaign called "Choosing Wisely."

According to John Santa, MD, medical director at Consumer Reports (also a partner in the campaign) these screening tests "often yield false-positive results that lead to a spiral of unneeded invasive procedures, medications and even surgeries."

AARP included this caveat to its readers, "If you have symptoms or risk factors, these tests can be valuable - even life-saving - but they're performed on far too many people."

The association said that an estimated $225 billion a year is wasted on unnecessary tests and services, according to Rosemary Gibson, coauthor of The Treatment Trap.

Meanwhile, NBC News reports that Americans suffering from headaches "are racking up nearly $1 billion a year on brain scans - and the vast majority of them are probably
unnecessary, a new analysis finds."

About 1 in every 8 visits to a doctor for an uncomplicated headache or migraine from 2007 to 2010 resulted in the patient getting an MRI or CT scan, according to a recent study published in *JAMA Internal Medicine*.

"The number one reason physicians give for ordering the scans is patient reassurance," said Dr. Brian Callaghan, an assistant professor of neurology at the University of Michigan Health System, who led the study. "A billion dollars is a lot for patient reassurance."

Callaghan noted that unnecessary scans expose patients to potentially harmful radiation and can result in false positives that lead to unnecessary treatment and anxiety.

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**In Terry We Trust?**

What, or who, will break Virginia's budget gridlock?

That was the underlying question facing legislators who attended this week's special session called by Gov. Terry McAuliffe.

The first-year governor proposed a new budget that would expand Medicaid as well as use $225 million in related savings on teachers, state employees, pre-kindergarten programs and other Democratic priorities, reports *The Washington Post*.

But McAuliffe’s budget proposal was "a nonstarter in the Republican-dominated House, whose Appropriations
Committee rejected the offer in favor of a spending plan that does not expand Medicaid under the federal health-care law," or Obamacare.

According to this and other media reports, partisan positions on expansion have only hardened in the past two weeks. This became painfully evident as the House last night passed its own budget after the Senate left town.

"What happens when one half of the Virginia General Assembly passes a budget and the other half isn't there to receive it?" asked the Virginian-Pilot.

The House left a "Gone Home" sign and a copy of its budget outside what the Pilot called "the dark, vacant Senate chamber."

The full Senate will not meet again until April 7.

What now? Well, for one thing the Senate's departure means that budget negotiators won't have a Senate plan to work with before April 7.

The House and Senate did pass a "caboose bill" to make spending adjustments to the budget covering the current fiscal year, which concludes June 30.

"State government could be forced to shut down if the legislature does not pass a budget by the start of the new fiscal year July 1," the Post reports. Delays could hurt local governments, school districts and others that rely on state funding to set their own budgets.

McAuliffe's two-year, $96 billion spending proposal calls for expanding traditional Medicaid. "That represents a shift from the 'private option' plan that the Senate had proposed - and McAuliffe had endorsed - during the regular session," the Post reports. "Called Marketplace Virginia and intended to be
more palatable to conservatives, the Senate plan would have used the Medicaid funds to buy private insurance for enrollees.”

Some observers thought McAuliffe’s move back to traditional Medicaid "was meant to correct for the Senate's perceived error - proffering its marketplace plan too early in the negotiations with the House."

But Republicans mocked this notion, and repeated calls for a "clean" budget to consider Medicaid separately - otherwise known as "decoupling" the healthcare spending plan.

"We've gone from Medicaid expansion to Marketplace Virginia, and I think we're back to Medicaid expansion," said House Majority Leader Kirk Cox, R-Chesterfield.

In a nod to GOP concerns about taking on a rising tide of Medicaid spending, McAuliffe made his new budget pitch by assuming responsibility for reversing the expansion after two years if Washington doesn't live up to its commitment to full funding, reports The Washington Times.

"If expansion doesn't help our people, then I and I alone will take the responsibility," McAuliffe said.

The New York Times reports that Virginia’s chief executive has found "no jollity" in trying to break the gridlock that has marked his first few months in office.

After starting out with a new "governor's happy hour" and trying to apply his sales acumen to working out a budget compromise, "Mr. McAuliffe has had a hard comeuppance as his gift for persuasion has met a conservative Republican majority in the House of Delegates unmoved by the charm offensive."

Republicans charge that the rookie governor, serving in his first elective office, "is all schmooze and little substance."
Cox told the Times: "I think he was under the impression you just come down here, slap everybody on the back, have a few cocktail parties and we'd pass things where we have real differences in philosophy. I don't think that's worked for him."

The Times noted that "Richmond has become more like Washington," with more polarization and the looming threat of legislative gridlock and government shutdown.

McAuliffe remained upbeat, telling the Times, "Most people would say I had a more successful session than any first-term governor."

Click [here](#) for [AHealthyVirginiaWorks.com](http://AHealthyVirginiaWorks.com), the website of a coalition of business and hospital leaders who support expansion. MSV is part of the effort.

**House Speaker William J. Howell, R-Stafford**, pressed McAuliffe to "de-couple" the Medicaid issue from the rest of the budget, continuing what the Washington Times called a "fierce public relations war."

But writing in The Daily Press of Newport News, **Hans O. Tiefel, a former religion and ethics professor at the College of William and Mary**, considers the value judgments underlying the political debate.

"For many, the federal government is good for almost nothing and the general welfare is better served by keeping the roles of both the federal and state governments as small as possible.

"But can this minimalist view be a good answer to the question, What is government good for?"

Citing the prologue to the U.S. Constitution and its mandate to "promote the general Welfare" of the nation, he continues, "Providing medical insurance to our fellow citizens who are too poor to afford it certainly promotes the general welfare; it constitutes a blessing to them. And we all become a more perfect union."
"Doc Fix" Coming?

House Republican leaders are readying a new "doc fix" bill that would prevent a 24 percent cut in reimbursements to physicians under Medicare, The Hill.com reports today.

"According to the 121-page bill posted on the House Clerk's website late Tuesday night, the House will pass a year-long extension, through the end of March 2015."

Click here for a recent Washington Post editorial that begins, "Of all the manifestations of Washington dysfunction, none is more absurd than the annual 'doc fix.'"

Dating back to 1997, when Congress was trying to rein in Medicare physician payments, lawmakers created a "sustainable growth rate" (SGR) that was supposed to link payments to statistical indicators of doctors' costs and workload.

"Alas, the growth rate perversely encouraged excessive tests and procedures; when it actually began to reduce physicians' pay rates significantly in 2003, medical lobbies got it temporarily repealed in what turned out to be the first of 16 doc fixes. The cumulative cost of these fixes now exceeds $150 billion, and the most recent one expires March 31."

But "fixing" the "fix" has proven to be hard going on Capitol Hill, and some observers are taking a wait-and-see attitude to the latest repair job in Washington.

Printing Medicine (or "Crowd Sourcing" a Cancer Cure)
Could thousands of people help contribute to the cure of one person?

That's the underlying question of this Bloomberg Businessweek article about San Francisco-based Autodesk, where researchers are "building software and hardware that will simplify the task of designing and fabricating living things, including viruses, bacteria, and even human organs."

This effort to democratize access to synthetic biology "may hasten growth in a field that could... revolutionize energy production and water purification," among other areas.

"Oh, and maybe cure cancer. Each tumor has its own DNA."

The mission of company founder Andrew Hessell "is to create straightforward, accessible tools to synthesize viruses that will attack only cells carrying specific genetic markers. And because each medicine would be unique to one patient, there would be no need to wait for U.S. Food and Drug Administration approval."

The idea to cut out the middleman of a drug company or even a biologist to do the work. "Cells are like tiny computers," he said. "And DNA is like software."

Today, dozens of DNA print shops can turn digital designs into biology using what Hessel calls "3D printing DNA."

Some of the work has led to the engineering of bacterial cells that selectively target and invade cancer cells before releasing toxic enzymes.

The idea of "hacking biology" is becoming popular, with young people "flooding the field."

As with most scientific advances, there are big risks. "Hessel warns it may eventually become possible to create personal bioweapons targeting only people with a specific genetic makeup."
There are also privacy issues, since it's easy to acquire genetic information. "If Brad Pitt goes for coffee, the spoon [he uses] has his DNA. You can sequence it and learn more about Brad Pitt's medical background than Brad knows."

Tools aren't everything of course, and the article quotes an MIT scientist who notes the limits of what Hessler and Autodesk are proposing. Still, Neil Gershenfeld, director of MT's Center for Bits and Atoms, said we're seeing a a kind of co-evolution of tools and scientific progress.

There Ought to be a Law!

**Help Shape MSV's Legislative Agenda!** We encourage you to submit by **April 3, 2014** any proposed legislative initiatives that you believe RAM should bring to the Medical Society of Virginia's attention for possible inclusion in their **2015 Legislative Agenda**.

We invite you to describe the problem, define the issue and propose a possible solution. The more detail that can be provided, the more likely the RAM Legislative Committee can advocate for this issue at MSV's Legislative Summit on **May 2, 2014**.

**If you or your practice has identified a specific need that may require a change in Virginia law or regulation, and if this change is specifically targeted for the 2015 Virginia General Assembly session, please submit your work to the RAM Legislative Committee by fax at 788-9987 or by e-mail to lknowles@ramdocs.org by **APRIL 3, 2014**.**

There will be a call in the fall for resolutions for the MSV Annual Meeting scheduled for October 24-26, 2014, but any resolutions likely to involve General Assembly legislation in 2015 should be submitted now.
All legislative recommendations must be received by Thursday, April 3, 2014 to be considered!

U.S. Extends Insurance Enrollment

With less than a week left for people to sign up for health insurance, the Obama administration said Tuesday that it would allow more time for those who had tried to apply but were stymied by technical problems with the federal exchange, reports The New York Times.

Several states running their own exchanges, including Maryland, have done the same thing. Open enrollment was set to end this Monday, March 31, for all Americans.

Connecticut Ponders Doctor-Assisted Suicide

A proposed law to allow physicians in Connecticut to assist terminally ill patients in ending their lives has sparked "a debate about the nature of sin, what constitutes an invasion of privacy, even the definition of suicide," reports The Wall Street Journal.

The debate has pitted patients with chronic diseases, such as ALS, against the state's Catholic bishops. Many in the hospice industry oppose the bill as well.

"Opponents say palliative therapies, which focus on alleviating pain and stress for those with serious illnesses, and hospice care can provide enough comfort to patients so that they wouldn't feel the need to end their lives. The
Under the Connecticut proposal, an attending physician and a consulting physician must first certify the patient involved is mentally competent and will die within six months. The patient must make two written requests 15 days apart indicating his or her wishes to die.

"Two witnesses, including one nonrelative, would need to be present for the signing of the requests. Then the attending physician would be able to write a prescription for medication, which patients would administer to themselves."

If the proposal becomes law, Connecticut would become the second state, after Vermont, to pass a law that allows doctors to write lethal prescriptions for terminally ill patients. New Jersey and Massachusetts are weighing similar bills.

Oregon and Washington legalized the practice through public referendums. Courts in Montana and New Mexico have ruled in favor of it.

A Tumor, the Embryo's Twin

The underlying connection of the genetic underpinnings of cancer with the human embryo is explored by New York Times science writer George Johnson, who notes, "Rough similarities between the growth of a tumor and the gestation of an embryo were first suggested more than a century ago. But no one could have guessed that the parallels would turn out to be so precise."

He uses the gene SHH to back up his assertion. Even as this and other genes "play powerful roles in both creating and subverting a human life... in the early days of pregnancy, the primitive embryo - this rapidly dividing glob of cells - eats out a spot in the uterine lining using corrosive enzymes called proteases. Then it holds tight for the duration with
the help of proteins like integrin, a kind of biological glue. Both types of molecules are also used by a cancer as it digs in and adheres to its berth."

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### Healthcare Decisions Day

As the Academy broadens its Advance Care Planning initiative, check out this timely reminder from MSV about National Healthcare Decisions Day April 16.

Last week, **RAM President Peter Zedler, MD**, announced that the area's three major health systems - **VCU Health System, HCA Virginia and Bon Secours Richmond** - are partnering with the Academy to create a community-wide **Advance Care Planning** effort that includes the development of a community standard healthcare directive document. The planning is intended to benefit all patients and providers in the area.

National Healthcare Decisions Day was founded seven years ago by **Nathan Kottkamp, a partner in health law at McGuireWoods in Richmond** who has been instrumental in the Academy's Advance Care Planning initiative.

The goal of National Healthcare Decisions Day is to share resources and information to help patients prepare advance directives and make decisions for medical treatments.

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### Surgeon General Nominee in NRA's Crosshairs

The **National Rifle Association** has attacked President Obama's **nominee for U.S. Surgeon General - Dr. Vivek Hallegere Murthy**, a Yale-trained physician and instructor at Boston's Brigham and Women's Hospital.

His crime, in the NRA's view: Dr. Murthy's past support for
some fairly "meek gun regulation such as licensing and waiting periods," this editorial in The Washington Post asserts.

As it called for the Senate to approve Murthy's nomination, the newspaper noted that Congress in the 1990s followed the NRA's lead to eliminate most federal funding of the CDC-sponsored research into gun injuries and mortality rates. "Mr. Obama only just ended the madness, pushing the CDC last year to start researching again."

### Do Physicians REALLY Have Fashion?

**RAMAF** invites you **THIS SATURDAY** to cheer on your favorite RVA physician and health care executive models (see list below!) as they walk the runway in Richmond's latest fashions while feasting on heavy hors d'oeuvres & cocktails catered by Champagne Taste.

The big event happens **this Saturday, March 29, 7-10 p.m. at Tuckahoe Woman's Club**. Click [here](#) for tickets and more information.

End the evening with dessert & a LIVE auction featuring an exciting **Washington Redskins' Kid-Kickoff package** & Champagne Taste party! Join the following physicians who will be proving that, truly, "Physicians Got Fashion!"

Dr. John Andrako, Pediatric Associates of Richmond
Dr. John Butterworth, VCU Department of Anesthesiology
Dr. Frank Cerniglia, Children's Urology of Virginia
Does Stopwatch Affect Healthcare?

A thoughtful piece by New York Times columnist Dr. Sandeep Jauhar based on a recent study that appears to show that despite faster times to treat heart attacks, "short-term death rates did not change."

Noting several plausible explanations for this result - such as the possibility that patients at low risk for death are already getting expeditious treatment - he posits another possibility: Perhaps "modern cardiology has reached the limits of what it can do to reduce mortality after a heart attack."
Beware of Counterfeits

In this cautionary article from The Doctors Company, two experts write that "the consequence of receiving and distributing counterfeit drugs may be deadly for patients and career-ending for physicians that break the supply chain. Diligence can protect everyone."

Reviewing a number of cases, the authors take note of the underlying issues of cost and shortages that have increased the importation of overseas meds.

But they provide steps to "protect yourself and your patients from the dangers of counterfeit medications."

The Brains of Insomniacs

Click here to read how the brains of insomniacs appear to be more active by day, offering possible solutions for helping people who say their brains "won't shut down" at night.

The Science of Subject Lines

If you ever wonder what to put in the subject line of emails, this Wall Street Journal piece is for you.

Actually, "You" is a great place to start to grab someone's attention!

"What you're trying to do is stop the scroll," one digital marketing expert told the Journal. "Odds are very good that whoever's looking is looking on a mobile device, just scrolling through, much like a Facebook feed."
Happy!

If you're having a tough day, this video - "Happy" by Pharrell Williams might help!

Or click here to visit what Williams bills as the "world's first 24 hour music video"

Whatever it Takes: Obama Appears with "Hangover" Star Touting ACA

President Obama proves he's willing to do just about anything to reach young adults to sign up for health insurance. He appeared recently with Zach Galifianakis, star of "The Hangover," on his decidedly irreverent Web special, "Between Two Ferns."

Click here to watch!
What's Happening?

Check your RAM calendar here.

Check out back issues of The Leg.Up.

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