Will SGR "Doc Fix" Collapse like a House of Cards?

As organized medicine invites YOU to help push for a repeal of the dysfunctional SGR, a number of 11th hour dramas are playing out in the annual rite of spring in Congress.

Before reviewing the current plot lines across the Potomac, and the dramatis personae, please click here to send a message that "enough is enough" and that now's the time to repeal the "sustainable growth rate" (passed in 1997) and replace it with a reasonable alternative.

You can also call the AMA's grassroots hotline at (800) 833-6354. Click here for more on organized medicine's lobbying efforts to replace the SGR.

Here's a brief review of the latest action on Capitol Hill:
"Reid-Pelosi Rift On Abortion Threatens 'Doc-Fix' Deal." That's yesterday's National Journal headline on a story that begins: "Tension is roiling between Harry Reid and Nancy Pelosi over an unusual point of contention for the two top Democrats: abortion policy."

Even as Pelosi, the House Minority Leader, has managed to hammer out an SGR replacement deal with her Republican counterpart - House Speaker John Boehner - it seems that Senate Minority Leader Reid is blocking it because of a provision that blocks federal funding of abortions at community health clinics around the country.

Click here to see the bipartisan bill, which is expected to pass a House vote tomorrow. However, it's fate in the Senate remains murky.

Sen. Reid has made it "unambiguously clear" that such a deal would be unacceptable, the Journal reports.

Politico reports that this flap "poses a real gut check for what Senate Democrats care about most: Will it be pride of authorship and purity on issues like abortion rights? Or making the most of their reduced power in this Congress to solve problems and help those left behind in the economic recovery?"

If the compromise in the House falls through, reports Politico, "the biggest loser will be low-income seniors and working-class households down the economic ladder."

Adding more fuel to the drama is this from the Associated Press: "GOP hits Medicaid to offset doc fee hikes."

While the details hadn't been made public yesterday, according to the AP, House Republicans have "quietly deepened recommended budget savings from the government's chief health care program for the poor by about $140 billion in recent weeks to offset part of the cost of higher payments to doctors who treat Medicare patients."

Click here to read about earlier concerns by Democrats about extending federal funds for the Children's Health Insurance Program. Senate Dems have been pushing for a 4-year extension of CHIP as part of the deal, but the emerging package only includes a 2-year extension.

Click here to read about how SGR has caused a rift within Boehner's ranks in the House.

Congress has passed a "Doc Fix" to the SGR 17 times in a row.

Now, sadly for physicians, that great sucking sound you may be hearing is that of a better bill going down the drain into the Potomac River once again.
Sites Emerge for New Children's Hospital

"After years of discussion and debate, plans are coalescing to build the Richmond region's first independent, freestanding children's hospital," reports Style Weekly. "But where will it go?"

Each Richmond-area locality is vying for the project, says Katherine Busser, the chief executive of the Virginia Children's Hospital Alliance, according to recent reports in Style Weekly and The Henrico Citizen.

Among the reported top choices: the former Best Products facility at the intersection at Interstate 95 and Parham Road in Henrico County; and, in Richmond, the area of the current-day Diamond (which would have to be demolished).

An answer could come as early as June, Busser has said. Officials are weighing their options privately to avoid driving up the price of the real estate.

The Alliance was granted non-profit status last June, and leaders of the Bon Secours Virginia Health System, VCU and the VCU Health System signed a memorandum of understanding last fall to move ahead with plans, Henrico Citizen reports.

New Goals, New Congress --- Life in Washington

Join us on May 12th to hear about the inner workings of Washington, D.C. from Marilyn Tavenner, the former Administrator for the Centers for Medicare & Medicaid Services and a long-time friend of the Academy. Ms. Tavenner will discuss "New Goals, New Congress --- Life in Washington."

Tavenner, who was with CMS from 2010 to early 2015, led the agency through one of its most tumultuous periods - from helping implement the Affordable Care Act to taking some of the heat from Congress for the abysmal launch of the federal health insurance exchange. Yet Tavenner - Virginia’s former Secretary of Health and Human Resources - managed to win the respect and admiration of lawmakers from both sides of the political aisle.

Come hear how she did it!
Guests are welcome --- guest fee is $40
Please mail guest fee checks to 2821 Emerywood Parkway, Suite 200, Richmond, VA 23294 or call Lara at the Academy at 622-8137 with your credit card information.

TO REGISTER:
Call Lara at 622-8137,
email Lara at lknowles@ramdocs.org
or register on-line by clicking here.

LAST Chance to Change the Law!

Help Shape MSV's Legislative Agenda! We encourage you to submit by March 26, 2015 (that’s TOMORROW, folks!) any proposed legislative initiatives that you believe RAM should bring to the Medical Society of Virginia's attention for possible inclusion in their 2016 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 1, 2015.

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 2016 Virginia General Assembly session, please submit your work to the RAM Legislative Committee by fax at 788-9987 or by e-mail to Lara at lknowles@ramdocs.org by March 26, 2015.

There will be a call in the fall for resolutions for the MSV Annual Meeting scheduled for October 23-25, 2015, but any resolutions likely to involve General Assembly legislation in 2015 should be submitted now.

All legislative recommendations must be received by Thursday, March 26, 2015 to be considered!

Happy National Doctors' Day!

Click here to see RAM Executive Director Jim Beckner offering his best - and high-flying - wishes ahead of next
Monday's **National Doctors' Day**.

"Of all the heroes," Jim declares, "you're the superest."

**National Doctors' Day** is held each year on **March 30** to celebrate the contribution of physicians who serve our country by caring for its citizens. It began in Winder, Georgia when Eudora Brown Almond, wife of Dr. Charles B. Almond, worked to set aside a day to honor physicians - including mailing greeting cards and placing flowers on the graves of deceased doctors.

In 1990, Congress passed a resolution, signed by President George H.W. Bush, making this an official national celebration.

*(Editor's note: If the link above doesn't work, try pasting it directly into your Web browser).*

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**Helping Docs Evaluate Health Care Metrics/Payments**

The Wall Street Journal reports on the accelerating push "to pay for quality, not quantity, in health care" as "doctors and hospitals are being evaluated on myriad quality metrics by rating services, insurance companies, professional groups and government programs - with results increasingly tied to financial penalties or bonuses."

As RAM members well know, there's no agreement "on what quality means, and there is no official set of standards."

So the Journal provides a spectrum of views from Scott Wallace, a visiting professor at Dartmouth's Geisel School of Medicine; Thomas Gustavino, a retired orthopedic surgeon in Pennsylvania; and Margaret O'Kane, founder and president of the National Committee for Quality Assurance, or NCQA, which develops some of the most widely-used healthcare metrics.
Click [here](#) to read another Journal article that provides a PRO and CON forum on this question, "Should the U.S. Move Away From Fee-for-Service Medicine?"

On the PRO side is **Paul B. Ginsburg, from the Southern Cal Schaeffer Center for Health Policy and Economics**, who argues that fee for service has contributed to escalating healthcare costs.

On the CON side is **Richard Amerling, president of the Association of American Physicians and Surgeons**, who says fee for service isn't the problem. Instead, writes Dr. Amerling, "The real cause is the institution and growth of direct third-party payments."

He adds, "The massive administrative sector that oversees third-party payments sucks up an ever-increasing amount of money and is a major contributor to rising costs. Its misguided introduction of price controls, especially on physicians, actually led to increases in volume of services, hospitalizations and total costs."

Here's another [informative article](#) on the topic from Forbes.com: "Doctors Require Assistance Leaving Fee-For-Service, Study Says."

RAND researcher **Dr. Mark Friedberg, an internist and lead author** of the study, tells Forbes: "For many doctors and many physician practices, the desire to be paid a different way is there, but actually doing this is quite difficult," and includes the need to make "major investments" to develop a data infrastructure to track patient outcomes.

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**Brave New World Redux? Scientists Seek Ban on Method of Making "Gene-Edited" Babies**

A group of leading biologists last week "called for a worldwide ban on the use of a new genome-editing technique that would alter human DNA in a way that babies could inherit," reports The New York Times.

The scientists "fear that the new technique is so effective and easy to use that some physicians may push ahead before its safety can be assessed. They also want the public to understand the ethical issues surrounding the technique, which could be used to cure genetic diseases, but also to enhance qualities like beauty or intelligence. The latter is a path that many ethicists believe should never be taken."

While the ethical concerns over genetic manipulations go back decades and have their roots in the 1930s eugenics
movement that Aldous Huxley warned about in "Brave New World," those concerns are playing out in ways that Huxley could hardly have imagined.

A technique invented in 2012 "makes it possible to edit the genome precisely and with much greater ease" than in the past. "The technique has already been used to edit the genomes of mice, rats and monkeys, and few doubt that it would work the same way in people."

While the technique holds the power to repair or enhance any genes, "It raises the most fundamental of issues about how we are going to view our humanity in the future and whether we are going to take the dramatic step of modifying our own germline and in a sense take control of our genetic destiny, which raises enormous peril for humanity," said George Q. Daley, a stem cell expert at Boston Children's Hospital and a member of the group calling for the ban.

While the U.S. has built-in controls with the FDA, a paper in Science magazine points out that other countries that have less regulation would ignore any warnings. While a moratorium on using the technique for making germline modifications in clinical applications in humans may not be legally enforceable or exert global influence, there is a recent historical precedent, the Times reports.

"In 1975, scientists worldwide were asked to refrain from using a method for manipulating genes, the recombinant DNA technique, until rules had been established."

So, said another member of the group, "There is a moral authority you can assert from the U.S. and that is what we hope to do."

The news report adds, "Many ethicists have accepted the idea of gene therapy, changes that die with the patient, but draw a clear line at altering the germline, since these will extend to future generations."

The International Society for Stem Cell Research came out last week in support of the moratorium. "We need some principled agreement that we want to enhance humans in this way or we don't," said another scientist calling for the moratorium. "You have to have this discussion because people are gearing up to do this."

Field Narrows in Race for John Watkins' Senate Seat

As Sen. John Watkins, R-Powhatan, and longtime friend of the Academy, retires, the field appears to be narrowing among Republicans interested in running for his seat,
Sen. John Watkins reports the Times-Dispatch.

"Bruce Tyler and Stephen Thomas have dropped out of the running... leaving Richmond School Board member Glen Sturtevant as the likely Republican nominee."

Thursday is the filing deadline for the June 9 GOP primary. Watkins' 10th District includes parts of the city of Richmond and Chesterfield County, and all of Powhatan.

Daniel A. Gecker, an attorney and Chesterfield supervisor from Midlothian, is running as a Democrat. He's facing a challenge from Emily Francis, "a nonprofit advocate," the TD reports.

Gov. Terry McAuliffe "has called Watkins' seat a top target for Democrats in the November elections," according to the TD.

Watkins has served in the state Senate since 1998, and before that served in the House of Delegates from 1983 to 1998.

Lexington-area Non-Profit Seeks Family Doc

The Rockbridge Area Health Center (RAHC) is looking for a Family Medicine physician to join its team of practitioners to provide quality and compassionate primary care services (outpatient only). Click here for more information on the job (they're also looking for a Nurse Practitioner).

RAHC is located in Lexington, home of VMI, Washington and Lee, and Southern Virginia University, as well as the Appalachian Trail and Blue Ridge Parkway. Inquiries can be made at admin@rockahc.org or calling 540-464-8700.

(Editor's note: We're happy to include physician openings at Free Clinics and FQHCs sent our way.)

HDL Hatches Tentative Deal with Feds

Richmond-based Health Diagnostic Laboratory Inc. has
confirmed it's nearing an agreement with the Justice Department "to pay nearly $50 million to settle a civil investigation into whether payments it made to doctors amounted to kickbacks," reports The Wall Street Journal.

The downtown blood-testing company told the Journal it is close to reaching a settlement that would "enable our company to avoid potentially expensive and protracted litigation," adding, "We have consistently sought to comply with all applicable legal and regulatory requirements and are committed to doing so."

"Under the settlement terms," the Journal reports, "HDL would deny wrongdoing but enter a five-year corporate integrity agreement with the Department of Health and Human Services' Office of Inspector General."

At issue is HDL's since-discontinued practice of paying doctors $20 for each sample of blood they sent its lab for testing.

HDL - which specializes in advanced tests to detect heart disease - has said the payments were fair compensation for the labor cost of processing and handling blood, and said such payments were commonplace among the cardiac biomarker labs that are its competitors.

It stopped them last summer after getting an HHS/Inspector General "fraud alert warning" they presented "a substantial risk of fraud and abuse under the anti-kickback statute," reports the Journal.

Critics contend the fees could give doctors an incentive to order unnecessary tests, according to the report.

10 Questions Some Doctors May Not Want to Ask

NPR recently had this interesting piece on the "Adverse Childhood Experiences" Test (ACE), which is designed to take a quick snapshot of a difficult childhood.

"The test's proponents say that it provides a rough measure of a tough childhood, and some of the experiences - death of a parent, child abuse or neglect - that can have long-term effects on your health."

Developed in the 1990s, it was meant to be part of a routine physical exam - but it's not, NPR notes, for a variety of reasons.

"For one thing, doctors aren't taught about ACE scores in medical school. Some physicians wonder what the point would be, as the past can't be undone. There also is no way
to bill for the test, and no standard protocol for what a doctor should do with the results."

Others say there are no randomized control trials that prove the test's effectiveness.

Yet, according to Dr. Jeff Brenner, a family doctor and MacArthur Fellows award-winner for his work in a low-income area of Camden, N.J., "The ACE score is still really the best predictor we've found for health spending, health utilization; for smoking, alcoholism, substance abuse."

Click here to take the quiz and decide for yourself!

"Shameless" Joe Morrissey Takes On Sen. Dance

Love him or hate him (or even if you have no opinion at all), Joe Morrissey always keeps things ... interesting.

"Fresh off a jail stint that allowed him to serve in the Virginia House on work release, and a trip to Georgia to be with a teenager giving birth to a baby that may or may not be his, Del. Joseph D. Morrissey was collecting signatures Saturday to run for state Senate," reports The Washington Post.

The 57-year-old lawyer who currently calls himself an "independent" is challenging Sen. Rosalyn R. Dance (D-Petersburg) in the June Democratic primary.

The Daily Press reports that Morrissey - who was ignored by his fellow delegates in the last session of the legislature - feels he might be able to get more done in the Senate.

Morrissey currently is awaiting trial on criminal charges that he had presented forged documents in an earlier case ... you know, the one where he pleaded guilty to a misdemeanor stemming from his relationship with teenage receptionist...

No word yet on who's directing the reality (?) TV show about all this. Morrissey added some more material to his self-made drama by moving out of the district he's currently representing, reports The Washington Post.

Click here to read the TD's editorial on the whole affair: "Shameless Joe Morrissey refuses to go away."

Sometimes the Right Question Will Floor You
Faced with the "medical conundrum" of a frail, 88-year-old patient referred by his cardiologist back to his primary care doctor in southern New Jersey, Dr. Mitch Kaminski reflects: *A cardiologist and a nephrologist haven't been able to help him... so how can I? I'm a family doctor, not a magician. I will send him back to the ER, and they'll admit him to the hospital. But that will just continue the cycle..."

Then he remembered the words of a visiting palliative-care physician about caring for the fragile elderly: "We forget to ask patients what they want from their care. What are their goals?"

The doctor expects a lofty or poignant answer, and is taken aback when the man makes a simple request: "I would like to be able to walk without falling. Falling is horrible."

Read the rest of this column for a poignant ending that offers more practical insights!

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**Dr. Dunnavant "Throwing Her Stethoscope" into Race**

The Times-Dispatch reported recently: "Henrico County Dr. Siobhan Dunnavant is throwing her stethoscope into the already crowded ring of Republican primary candidates vying to fill the 12th District Virginia Senate seat being vacated by retiring Sen. Walter A. Stosch."

Dr. Dunnavant is a member of RAM's Legislative Committee and a frequent volunteer at "White Coat Day" in the General Assembly. She practices at OB/GYN Associates, Ltd.

Dunnavant, 50, "is not a new-born in the Republican political nursery," the TD wrote. "She is the sister of Del. Christopher P. Stolle, R-Virginia Beach, who is also a physician. Another brother, Ken, is the sheriff of Virginia Beach and a former state senator."

In literature provided for last week's campaign launch at the Medical Society of Virginia, Dr. Dunnavant described herself as a "free-market, limited-government conservative who will bring a reasonable tone and approach and common sense to the Virginia Senate."
A primary is being held in June to choose the Republican candidate in the fall election for the successor to Sen. Stosch. "Winning the primary in the district, which encompasses western Henrico and part of Hanover County, is tantamount to winning election in the coveted and reliably Republican open seat, which Stosch has held since 1992.

"The field currently includes three Henrico County lawyers with conservative credentials: former Del. William R. 'Bill' Janis; Newt Gingrich operative Vince Haley; and longtime GOP activist and lawyer Eddie Whitlock."

In an interview with the TD, Dunnivant said her professional skills should help her in the legislature: "The communication skills that a doctor needs - the ability to analyze problems, find solutions and marry solutions with the needs of individuals, I think, is incredibly applicable to finding solutions that meet the needs of constituents."

She said her small business experience in running OB Hospitalists - which provides OB/GYN doctors to staff hospitals overnight - has given her insight about what works in the healthcare sector.

The TD noted that only eight of 40 state senators are women, "and the chamber currently has had no physician residing among its ranks since former Sen. Ralph S. Northam, D-Norfolk, a pediatric neurologist, won election as lieutenant governor in 2013."

"Ugly Civil War in Medicine": ABIM's Response to Physician Revolt & "the Streisand Effect"

Click here to read Newsweek's account of what it calls "a bizarre war, one that could transform medicine for years." It was referring to the professional controversy over the American Board of Internal Medicine's certification standards.

As ABIM's tests have become more expensive and frequent in recent years, there's been an outcry and pushback by "tens of thousands of internists, cardiologists, kidney specialists and the like who say ABIM has forced them to do busy work that serves no purpose other than to fatten the board's bloated coffers," Newsweek writes.

Dr. Paul Teirstein, chief of cardiology at Scripps Clinic, explained: "We don't want to do meaningless work and we don't want to pay fees that are unreasonable and we don't want to line the pockets of administrators."

He's been joined by medical practitioners and academicians
from leading institutions such as the Mayo Clinic, Harvard, and Columbia who've created a new recertification organization - the National Board of Physicians and Surgeons. It will only consider doctors for recertification who have passed the initial certification that has been required for decades, reports Newsweek.

"The group's fees are much, much lower than those charged by the ABIM," and so is its overhead since "board and management - all top names in medicine - work for free."

Teirstein blasted ABIM's management, saying medicine has been "controlled by individuals who are not involved with the day-to-day care of patients. It is time for practicing physicians to take back the leadership."

The article by Newsweek senior writer Kurt Eichenwald also charges that ABIM has an underlying financial interest to fail more doctors.

He cites a steady drop in passing rates, such as the decline for internists taking the maintenance of certification exam in 2010 (88 percent) to the 2014 rate of 80 percent.

Similar downward trends during that four-year span were reported among hematologists (9 percentage points lower); interventional cardiologists (6 percentage points); kidney specialists (9 percentage points) and lung experts (11 percentage points).

"All they had to do was take the test again," he writes. "Making doctors appear ignorant became big business, worth millions of dollars, and the ABIM went from being a genial organization celebrated by the medical profession to something more akin to a protection racket."

Even as passing rates declined, he found a steady rise in incomes paid to ABIM's top brass.

In response, the ABIM released a strongly-worded statement accusing Eichenwald of "numerous and serious misstatements, selective omissions, inaccurate information and erroneous reporting." Click here to read more, including ABIM's assertion that "the author failed to disclose that his wife is an internist."

Click here for another take on the controversy from internist and blogger Dr. Kevin Pho. He notes that ABIM apologized last month for starting a "more continuous" Maintenance of Certification program, including this, "We got it wrong and sincerely apologize. We are sorry."

Along with its apology, ABIM eased various certification requirements and said it would maintain its current level of MOC enrollment fees "at or below the 2014 levels through at least 2017."
But now it appears that the organization is taking a harder line - to the point of trying to get the critical Newsweek article removed from the Internet, Pho writes.

By entertaining that remote possibility (since once something's on the Internet it's probably never really gone), Pho says ABIM is falling prey to what he calls the "Streisand effect," or "the phenomenon whereby an attempt to hide, remove, or censor a piece of information has the unintended consequence of publicizing the information more widely, usually facilitated by the Internet."

The Doctors Company Announces 2015 Member Dividend

The Doctors Company, the nation's largest physician-owned medical malpractice insurer, has announced a $28 million dividend made possible by the excellent claims experiences of its members.

Since 1976, The Doctors Company - a partner of the Richmond Academy of Medicine - has paid more than $338 million in dividends, and 2015 marks the 10th consecutive year that the company has awarded dividends.

It will provide a premium reduction of 10 percent to eligible members in Virginia - another great reason to belong to the Academy!

Eligible members will receive this year's dividend as a credit on their annual premium for policy renewals on or after July 1, 2015.

Charles: "Prince of Pseudoscience"?

Prince Charles has a long history of promoting "homeopathy," or what Dr. David Gorski writes in Slate.com is a "pseudoscience."

Evidently, the heir to the British throne "has had a longstanding interest in unconventional medical therapies that go back to his youth," and he's "been outspoken in his support for quackery like homeopathy and other forms of alternative medicine," writes Gorski, a surgeon and researcher at Wayne State University School of Medicine and a blogger at Respectful Insolence.
During Charles and Camilla's recent U.S. visit, an otherwise "benign" sounding visit to Louisville to promote various health and "food literacy initiatives" actually was part of the prince's lifetime crusade for "holistic" medicine, which has led some UK scientists to describe the prince as "at war with science," Gorski writes.

One British journal article had this intriguing headline: "Homeopathy: Holmes, Hogwarts, and the Prince of Wales."

Coincidentally, the U.S. Food and Drug Administration recently issued this warning about "over-the-counter asthma products labeled as homeopathic," as well as a statement that it's re-evaluating its longstanding hands-off policy "about the current use of human drug and biological products labeled as homeopathic."

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What's Happening?

Check your RAM calendar here.

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We Want to Hear from You!

We try to draw from a wide range of sources and viewpoints about issues affecting physicians today.

If you have any concerns, complaints, or articles you'd like to share, please contact Communications Director Chip Jones by clicking here or calling him at 622-8136.

THANK YOU for being part of the Academy and its continuing conversation about the practice of medicine.