



# Rehab Net News Update

Volume 11 Number 6

July 1, 2010

## Are We Rushing the Push for Electronic Health Records?

(reprinted from *Physical Therapy Products Soap Notes*, June 30, 2010)

### Becky's Calendar

- July 1-5 Vacation & Holiday
- July 8 AR PT Board Meeting  
July 8 ArPTA PAC Meeting
- July 15 Office Managers
- July 20 CMSA Meeting
- July 22 ASBCE Meeting

### Important Numbers

Becky's Cell 479-858-2760

Lobbyists: **Bill Phillips**  
(501) 329-3111 or  
Bradley Phillips (501) 269-2723

ArklaMed—Rick Pate  
(870) 864-8896

AR State Board of PT  
Web site <http://www.arptb.org>

ArPTA Web site  
<http://www.arpta.org>

APTA Web site  
<http://www.apta.org>

AFLAC Anneke Bollman (479)  
264-4623

[www.rehabnet-ar.com](http://www.rehabnet-ar.com)

User = rna Password = 10144

For member only section

Advocates of electronic health record (EHR) systems, which will likely soon be a fixture in medical settings, claim that the use of EHR will reduce health care costs and improve medical outcomes. Although benefits of bringing information technology to health records can be substantial, EHR systems also give rise to increased liability risks for health care providers due to possible software or hardware problems or user errors.

Two [Case Western Reserve University](#) professors, in a scholarly article published in the [Berkeley Technology Law Journal](#), shed light on liability concerns and EHR systems.

Sharona Hoffman, JD, LLM, professor of law and bioethics and co-director of Case Western Reserve's Law-Medicine Center, and Andy Podgurski, PhD, professor of computer science at the university's School of Engineering, recently wrote the article, "E-Health Hazards: Provider Liability and Electronic Health Record Systems," which offers a comprehensive analysis of

the liability risks associated with use of this complex and important technology.

"This new piece focuses on health care providers' liability. Are they at greater risk for malpractice claims? Are they at greater risk for privacy breach claims? And I think the answer to all of that is yes," Hoffman said.

"It's very personal to health care providers," she said. "It's what everybody who sits at that computer and uses it to manage patient care needs to know."

According to Podgurski, many health care providers might not be fully aware of the fresh liability risk. Problems providing care can arise, for example, if an EHR system contains software bugs, if it is too complicated, or if training for users is insufficient.

"Whether or not there is a software bug, in the sense of a clear error that causes a wrong output, the usability of the system may be lacking, and that may lead a user to make mistakes that have safety implications," Podgurski said.

Hoffman and Podgurski also point out that EHR system

purchasers may never know about product flaws, because no regulation requires such disclosure, and some vendor contracts even prohibit it.

"If a computer problem causes an error in somebody's drug prescription, medication dosage, or surgical procedure, that can be catastrophic," Hoffman said.

The authors argue that without thoughtful intervention and sound guidance from government and medical organizations, EHR technology may encumber rather than support clinicians and may hinder rather than promote health outcome improvements. In an effort to prevent potential problems, Hoffman and Podgurski propose a uniform process for developing authoritative clinical practice guidelines, and they explore how EHR technology can assist in determining best practices.



## Clinic In The



### Carson Physical Therapy

Adam Carson, PT, and Jenny Carson, PT, are the owners of Carson Physical Therapy. In January 2010 they opened 2 satellites to serve the area better: one clinic inside Bryant's Next Level Sports Fitness and Physical Therapy Center and the other at East End, Arkansas.

Adam describes his clinics as "Your Friendly Neighborhood Physical Therapist and we take pride in being Central Arkansas's premier physical therapy clinic. We specialize in

treating orthopedic dysfunction and sports injuries." Besides offering your "typical" physical therapy services, they offer therapeutic massage, a medically oriented gym, weight loss, and personal training.

Working along side the Carson's are fellow physical therapists: Holly Callaway, Marie Charton. Lisa Kaufholtz, PTA, helps man the East End location.

Toby Hirscheider runs the office at the main location and works closely with Adam

to keep everything in line.

Some of the common ailments they treat at Carson PT are:

- Neck and back pain
  - Shoulder and knee rehab
  - TMJ
  - Some forms of headaches
  - Tennis and golfer's elbows
  - Carpal Tunnel Syndrome
  - Plantar Fasciitis
  - Plantar Warts
  - Myofascial pain
- Just to name a few.

### ArPTA Elections

In the next few weeks those of you who are AR Physical Therapy Association members will be receiving your ballots. I want to urge you not only as the ArPTA's executive director but as Rehab Net's to take the time to vote in this important election. I am pleased to report some of our own members are stepping up and running for office in the

ArPTA.

This year's candidates are:

Vice President:

Jennie Gregory

Secretary:

Kathy Borrelli

Delegate:

Twala Maresh

Jennie Gregory

Myla Quiben

Nominating Committee:

Ashley Mott Murphree

Blake McBride

PTA Caucus Rep:

Kristy Neely

Kathy Borrelli works at Harris and Renshaw Rehab Center in North Little Rock owned by Stan Harris and Bo Renshaw. I think she will do a great job in this position. She is very active in both the ArPTA and Rehab Net. She is always available to lend a hand to any of the ArPTA committees.

Blake McBride owns

McBride Rehab Group in Mountain Home and has been a long time member of Rehab Net. Blake is always available to call on legislators when there are legislative issues we need help with.

Rehab Net supports both of this nominees and hopes you will support them as well. Other Rehab Net members currently serving on the ArPTA are Vice President Joel Sebag and Treasurer Stan Harris.

If you don't receive you

### Letter from the Editor

Sometimes I wonder why I am still attending the Arkansas State Board of Chiropractic Examiner's meetings but the recent meeting I attended paid off as I was warned trouble was brewing. As many of you may know, there are three chiropractic associations in Arkansas. There are the Arkansas Chiropractic Association, the Arkansas Chiropractic Council and the Arkansas Chiropractic Society. In the past we have been very fortunate because these three groups have a hard time agreeing on anything. Tom Taylor, DC, re-

ported to the Board that the three groups were meeting on a regular basis to work on legislation.

This is indeed bad news as the last time they tried to pass legislation putting physical therapy in their practice act it failed to pass because the groups were not in agreement. I have warned our lobbyist about this and we more than ever need to be garnering friendships with our legislators. We will be watching carefully for any legislation they are pushing and will keep you all in-

formed.

The ArPTA PAC which is also Rehab Net's PAC will be making some donations to key legislators to help with their campaigns and we may ask some of you to deliver the checks. We also ask more than ever for you to support the PAC. You can make donations by making the check out to the ArPTA PAC and mail it to Rehab Net to help. You can also come out and support our fund raiser on Sept. 18th.

Becky A. Sewell

## Looking for Nominees for Rehab Net Elections

We are now recruiting new candidates to serve on the Rehab Net Board of Directors. Your current Board of Directors Include:

President Bo Renshaw (term ends 12/31/10)  
 Vice Pres. Adam Carson (term ends 12/31/11)  
 Secretary Steve Hornbeck (term ends 12/31/10)  
 Treasurer Gabe Freyaldenhoven (term ends 12/31/11)  
 Member at Large Andrew Abraham (term ends 12/31/10)

Bo Renshaw and Steve Hornbeck have thrown their hats back in the ring to run for another term. However, Andrew Abraham has opted to step down at this time as he has opened a new satellite clinic. Andrew and his wife, Trina, are also awaiting birth of another child in December. We would like to take this time to thank Andrew for his participation and his leadership and we welcome him to return to the Board when life is a little less busy.

The Board would like to see two candidate for each position as we like our members to have a choice in their leadership. They have provided some potential suggestions that Becky will be following up on, however if you are interested in serving on the Board please do not hesitate to let us know by contacting Becky. Nominees for member at large are suppose to come from the general membership so be ready to submit suggestions. The member at large is a one year commitment. All other positions are two year commitments though past presidents are asked to sit on the Board as ex officio members for one year to help out the new president.

## News Briefs: Time's Run Out for Red Flags Rule Compliance

No more putting off your practice's identity theft program. You may recall last year or the year before Rehab Net warned you about the Red Flag Rules and suggested you develop your own Red Flag Policies. We even helped find you a model policy. Time and time again this rule was put on hold by the Federal Trade Commission but as of June 1, 2010, healthcare providers, including rehab providers, must comply with the Federal Trade Commission's Red Flags Rule if they are considered creditors. In other words, if you accept insurance from patients and bill them after providing your services, you are a creditor under the Red Flags Rule and must develop an identity theft program.

**Long time coming:** The FTC has been providing extensions to the identity theft program deadline since November, 2008, so it likely won't be lenient if you still don't have a plan in place by now.

Need last-minute help? The FTC has posted guidance, including a plan template, on its Red Flags Rule website, according to *News Now*. Visit [www.ftc.gov/redflagsrule](http://www.ftc.gov/redflagsrule). You can also contact Rehab Net for the model we have. We recommend you write your own policy specific to your practice using the tools the FTC and Rehab Net provide you.



### New Thera-Band® Resistance Bands Go Latex-Free

Thera-Bands have been a rehab godsend but can spell disaster if your patients have latex allergies. *The good news:* The American Physical Therapy Association recently endorsed the newest Thera-Band® Latex-Free Professional Resistance Bands from Performance Health/Hygienic Corporation, according to an APTA press release.

The endorsement is in response to requests from the rehab community for a product that is as effective as the Thera-Band latex band system yet appropriate for people who experience allergic reactions to latex, APTA said. The new latex-free bands use the same colors you're used to with the same resistance levels as the Thera-Band Professional Latex Resistance Bands that APTA has endorsed since 1995.

"This new product underwent significant clinical field testing with great results." said APTA President **R. Scott Ward, PT, PhD**. "We are proud to add the new Thera-Band Latex-Free Professional Resistance Bands to our endorsed product line."



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**Mark Your Calendars**

Sept. 18, 2010

Rehab Net &amp; ArPTA

Fall Meetings

Track 1: Vestibular Rehab

Presented by

Susan L. Whitney, PT, DPT,  
PhD, NCS, ATC, FAPTATrack 2: Clinical Prediction  
Rules for Orthopedic Physi-  
cal Therapy

Presented by

Eric Wilson, PT, DSc, OCS,  
SCS, CSCS**Rehab Net Lunch Meeting**

12:00pm to 1:00pm

ArPTA Business Meeting

4:30pm to 6:00pm

Courses and Business Meet-  
ings at UCA PT DepartmentPAC Banquet and Are You  
Smarter than a PT Student

6:30pm till 9pm

Hilton Garden Inn

Conway, AR

Be watching for more details  
coming soon**CNN to Show APTA TV Ads Week of July 5th**

APTA has launched a television advertising campaign as part of the "consumer outreach" phase of the branding initiative. Two new 15-second television ads promoting the brand will run in several markets from June through November, and a national spot will run on CNN during the week of July 5.

The APTA are targeting large markets across the country but unfortunately known are in Arkansas, but we are thrilled that they are offering some national spots on CNN during the week of July 5th. While we are unable to know exact days and times, we do know the spot will run during the following shows that week:

**Show Day Time**

Campbell Brown	Sat 8-9pm
Larry King Live	M-F 9-10pm
Larry King Live	M-F 12-1am
Anderson Cooper 360	M-F 10pm-12am
Anderson Cooper 360	M-F 1-3am
Situation Room	M-F 4-7p
State Of The Union	Su 8-9p

The ads are targeted at baby boomers with neck, back, and shoulder pain — and were designed to, again, drive them to [www.moveforwardpt.com](http://www.moveforwardpt.com) to learn more about who physical therapists are, what conditions they treat and how, and to find one in their area. APTA will be tracking the ads' success by monitoring traffic to the consumer Web site, which will serve to help the association tailor future ad messages as it reaches out to other mar-

kets. You can view the ads ('Paint' and 'Golf') on APTA's YouTube channel at [www.youtube.com/moveforwardpt](http://www.youtube.com/moveforwardpt).

APTA's effort to reach consumers is a multi-faceted one, using a number of methods, both in new and traditional media, to educate and raise awareness.

We are excited by the new ads promoting physical therapy and hope you'll have an opportunity to catch one on television.

**Rehab Net****Office Manager's Meeting**

Topics for our upcoming meeting will range from RAC Audits, ICD10s, and How to Prepare for an Audit. Our Office Manager Network Chair, Tasi Wyatt, and I are trying to find information on each of these subjects to share with you.

July 15, 2010 from 11am to 1pm  
Cozymel's Restaurant  
10 Shackelford Dr  
Little Rock, AR 72211

As always, bring your questions and anything you have found that you wish to share with other office managers. If you are not coming and would like to send a question or something to share feel free to email me. Also, please RSVP so we know how many are coming. RSVP or share comments and questions by emailing me at [rehab-net@alliancecable.net](mailto:rehab-net@alliancecable.net) or fax me at 866-548-6003.

# REHAB NET



## Lobbyist Corner

Bradley Phillips  
Vice President of Public Relations  
Phillips Mgmt & Consulting Service



P.O. Box 202  
Conway, AR 72033

Phone: 866-548-6003  
Fax: 866-548-6003  
Cell: 479-858-2760  
E-mail: [rehabnet@alliancecable.net](mailto:rehabnet@alliancecable.net)  
[www.rehabnet-ar.com](http://www.rehabnet-ar.com)

## Rehab Net Listservs

To join the office staff listserv send an email to:

[RehabNetOffice-subscribe@yahoogroups.com](mailto:RehabNetOffice-subscribe@yahoogroups.com)

If you are a member of the listserv you can post a message by emailing it to

[RehabNetOffice@yahoogroups.com](mailto:RehabNetOffice@yahoogroups.com)

To join the Owners listserv send an email to:

[RehabNetMgmt-subscribe@yahoogroups.com](mailto:RehabNetMgmt-subscribe@yahoogroups.com)

If you are a member of the listserv you can post a message by emailing it to

[RehabNetMgmt@yahoogroups.com](mailto:RehabNetMgmt@yahoogroups.com)

Starting in May, most information will be sent out via our listservs and this will be where you are directed to send questions when seeking advice from other office managers and other owners.

## Short Term Solution

On Friday, June 25, 2010, President Obama signed HR 3962 that extended the 2.2% raise to the physician fee schedule until the end of November. ***Claims containing June 2010 dates of service which have been paid at the negative update rates will be reprocessed as soon as possible. Physicians/providers should not resubmit claims already submitted to their Medicare contractor.***

## Impending Problems

### June 26, 2010: 2011 Proposed Physician Fee Schedule Rule Contains Proposed Pay Cuts for Outpatient Therapy Services

On June 25, 2010, the Centers for Medicare & Medicaid Services (CMS) issued the proposed physician fee schedule rule that would implement key provisions of the Patient Protection and Affordable Care Act of 2010 and update payment rates under the physician fee schedule for services furnished on or after January 1, 2011 (CY 2011). If this rule becomes effective, physicians, physical therapists and other health care professionals would receive a 6.1% cut to their Medicare payments starting January 1, 2011 in addition to the 21.3% reduction that has been delayed several times already this year due to the flawed Sustainable Growth Rate (SGR) formula. This reduction was replaced with a 2.2% update until November 30, 2010, when the President signed the "Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010" on Friday, June 25.

In addition to the projected reductions due to the SGR, CMS also proposes a multiple procedure payment reduction policy (MPPR) that would result in significant reductions in payment for outpatient therapy services. Specifically, CMS proposes to make full payment for the therapy service or unit with the highest practice expense value and payment of 50 percent of the practice expense component for the second and subsequent procedures or units of the service furnished during the same day for the same patient. The work and malpractice components of the therapy service payment would not be reduced. The proposed multiple procedure payment reduction policy would apply to both the services paid under the physician fee schedule (PFS) that are furnished in the office setting and those services paid at the PFS rates that are furnished by outpatient hospitals, home health agencies (Part B), skilled nursing facilities (Part B), comprehensive rehabilitation facilities, and other entities that are paid by Medicare for outpatient therapy services. It is estimated that if the multiple procedure payment reduction policy were implemented, payment for outpatient therapy services would be reduced by approximately 13% in addition to the projected SGR payment cut for CY 2011.

APTA is gravely concerned with the magnitude of these proposed reductions in payment, and believes that CMS's proposal to apply the multiple procedure payment reduction to outpatient therapy services is based on flawed presumptions and has no justification. APTA will aggressively work to stop implementation of the proposed MPPR policy and the SGR payment reductions

Rehab Net will keep you posted on any potential legislation out there that will stop these cuts. We encourage you to be very vocal about your opinions to your legislators and get your Medicare patients involved. They need to know that this could mean providers will have to quit participating as Medicare providers.