

CalDerm® Update

The Voice of California Dermatology

California Society of Dermatology & Dermatologic Surgery

NEWS FOR CALIFORNIA DERMATOLOGISTS

WINTER 2010

INSIDE THIS ISSUE:

2009 Year End
Legislative Report
Cover

President's Message
Page 2

Highlights from 2009
Annual Meeting
Page 4

2009 CalDerm PAC
Contributors
Page 5

CalDerm Hires New
Lobbying Firm
Page 5

SAVE THE DATE!

2010 Annual Meeting

September
24, 25 & 26, 2010

Fess Parker's
DoubleTree
in Santa Barbara

Visit
www.calderm.org
for program updates.

2009 Year End Legislative Report

From the beginning, the 2009 legislative year was dominated by the budget crisis and ended with many unresolved issues facing Californians, including a \$20 billion revenue shortfall. But even in the midst of the chaos, the legislature managed to introduce 3,056 bills of which 872 were passed. The following is the final summary of bills that CalDerm advocated on in this session. To read a full bill and its history, you can visit www.leginfo.ca.gov:

AB 252 by Assembly Member Wilma Carter.

Sponsored by the American Society for Dermatologic Surgery (ASDS) the bill would have allowed the Medical Board of

California to take away the medical license of a physician who partakes in a "rent-a-doc" scheme (that is, allows his/her license to be used so a non-physician can set up a medi spa). CalDerm was a co-sponsor of this bill.

Status: Vetoed by the Governor

AB 583 by Assembly Business and Professions Committee Chair Mary Hayashi. Co-sponsored by the California Medical Association (CMA) and plastic surgeons, this is a disclosure bill aimed at the medi-spas. The bill requires physicians to prominently display their level of education as well as their specialty board or association. It also requires a physician who supervises an office in

addition to their primary office to post at each office the hours they are present. CalDerm supported this bill.

Status: Placed on the Senate Inactive File. Sponsors decided not to send it to the Governor's desk because the Department of Consumer Affairs was opposed, thus a veto was likely.

AB 832 by Assembly Health Committee Chairman Dave Jones.

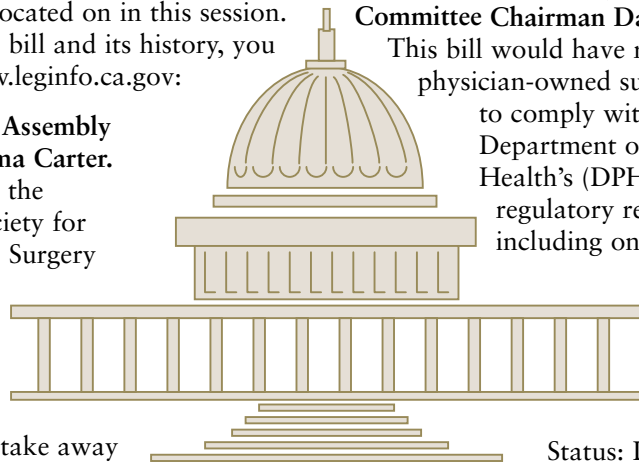
This bill would have required physician-owned surgical clinics to comply with the Department of Public Health's (DPH) burdensome regulatory requirements – including onerous building standards that are meant to apply to hospitals.

Status: Language removed in Assembly Health Committee. Turned into a study bill that CalDerm supported which was subsequently killed in the Assembly Appropriations Committee.

AB 1116 by Assembly Member Wilma Carter. This bill was sponsored by the family of Donda West, mother of music celebrity, Kanye West. The bill requires "appropriate" history and a physical 30 days prior to cosmetic surgery and on the day of the surgery. CalDerm amended the bill to clarify that the "appropriate" history and physical can be done on the day of the procedure.

Status: Signed by the Governor

Continued on page 3



CalDerm® Officers 2009-2010

Ann Haas, M.D.
President
Sacramento

Jerome Potozkin, M.D.
Past President
Walnut Creek

Isaac Neuhaus, M.D.
President Elect
San Francisco

Jeffrey Crowley, M.D.
Treasurer
Bakersfield

Todd Anhalt, M.D.
CalDerm PAC President
Los Altos

CalDerm® Board of Directors 2009-2010

Christopher Barnard, M.D.
Monterey

Nancy Chen, M.D.
Escondido

Daniel Dwyer, M.D.
Costa Mesa

Daniel Gross, M.D.
Tarzana

Ann Haas, M.D.
Sacramento

Steven Hodgkin, M.D.
Victorville

Thomas Hoffman, M.D.
Menlo Park

Arash Izadpanah, M.D.
San Diego

Sharon Jacob, M.D.
San Diego

S. Brian Jiang, M.D.
San Diego

Craig Kraffert, M.D.
Redding

Gary Lask, M.D.
Los Angeles

Matthew Luxenberg, M.D.
Los Alamitos

Margaret Mann, M.D.
Irvine

Anna McNay, M.D.
Fremont

Alexander Miller, M.D.
Yorba Linda

Gary Novatt, M.D.
Santa Barbara

Jack Resneck, Jr., M.D.
San Francisco

Linda Wong, M.D.
City of Industry

David Woodley, M.D.
Los Angeles

Sima Torabian, M.D.
Sacramento

Anthony Petelin, M.D.
Resident, UC Irvine

Christina Mumm, M.D.
Resident, UC Davis

President's Message



Ann Haas, M.D.

There's nothing like the launch of a new decade to get us re-energized. I'm excited about my term as CalDerm President – it isn't my first and I'm proud to say that I've been involved with CalDerm in a leadership capacity for more than 18 years. Over those years I've watched this society mature into a well-respected organization that has stayed committed to its core mission – protecting the business interests and physician practice of dermatology in California. It hasn't been easy – from the onset when CalDerm was formed in 1972 we have battled a number of "scope of practice" issues in the state legislature. Infringement on the field of dermatology by other health professionals was rampant in this last decade and CalDerm held steadfast in its efforts to prevent dentists, podiatrists, plastic surgeons and anesthesiologists from impeding on the growing field of dermatology. An emerging trend in cosmetic dermatology brought a proliferation of "allied" health professionals into our field – registered nurses, physician assistants and medical assistants – and with this a greater need for us to clarify and communicate the specific laws and regulations in California with regard to using extenders in our practices. Medi-spa businesses sprang up on street corners and shopping malls over the last 10 years, resulting in numerous incidences of botched procedures, some quite severe, and a need for dermatology to better inform consumers about our medical specialty, advanced training and the proper use of pharmaceuticals and devices.

Public awareness of skin cancer dominated health concerns in the last decade and dermatology played an important role in bringing prevention

measures to the forefront to combat this deadly disease. CalDerm helped legislators introduce laws in California that better regulate the indoor tanning industry by adding greater enforcement and restrictions on youth access. It was in 1988 that CalDerm assisted in creating the Filante Tanning Act that, among other things, required tanning salons to inform its customers of the danger of ultraviolet light radiation and restricted the use of tanning beds by minors. Many other states are now following this effort.

This new decade in the second millennium brings much uncertainty. How healthcare reform will affect individual states and dermatology is still unknown. What we do expect is for government to continue to seek new sources of revenue and with their perceived notion that doctors have deep pockets you can bet we will have many issues to overcome. A tax on professional services has already hit several states. To guide us with what lies ahead CalDerm has hired a new lobbying team in Sacramento headed by Tom Riley and the Cal Captiol Group (see page 5). Tom is the most experienced lobbyist CalDerm has had on healthcare issues and we look forward to his new strategy of proactive advocacy. His excellent work with other medical specialties and the osteopath community has positioned Tom as a leader on house of medicine issues with a strong reputation and we are lucky to have him on board with dermatology. Having a watch dog for dermatology requires funding and this is where you come in. The CalDerm Board is the hardest working team of dermatologists that I have ever been associated with. They volunteer their time and provide expertise to our executive and government relations professionals. If you haven't already done so, please support CalDerm by becoming a dues paying member. If you have paid your 2010 dues, thank you for your continued support.

A handwritten signature in blue ink that reads "Ann Haas, M.D." in a cursive, slightly stylized font.

Ann Haas, M.D.
CalDerm President

SB 294 by Senate Business and Professions Chair Gloria Negrete-McLeod. Originally, this bill was a major expansion of scope of practice for nurse practitioners. The bill narrowed dramatically throughout its course so that CMA and CalDerm were no longer opposed.

Status: In Assembly Business and Professions Committee. The bill was sent there after substantial amendments made to the bill relating to enforcement programs at the Healing Arts Board.

SB 674 by Senate Business and Professions Committee Chair Gloria Negrete-McLeod. This was an omnibus bill that included a requirement that physicians wear a badge (since removed due to CalDerm opposition). The bill also included a provision that mandated the California Medical Board promulgate regulations on “appropriate level of physician availability” at clinics using laser for cosmetic surgery.” In anticipation of passage of this bill, CMB had already invited CalDerm to be part of a task force on these proposed regulations. And the bill placed into statute some requirements for agencies that accredit physician surgical clinics (known as outpatient settings).

Status: Vetoed by the Governor. In his veto message, the Governor essentially brought up the issue of AB 832. Note that he makes it clear that the issue will be back next year:

“While some provisions may provide marginal improvements to consumer protection, I cannot support this bill when it fails to address the need for stronger licensing and oversight of outpatient surgical centers. The continued reliance by the medical community on external accreditation agencies without enforcement capability is an insufficient solution for protecting patients. As outpatient surgeries continue to increase in number and complexity, surgical centers cannot continue to perform procedures in an unregulated and unenforced environment.

I would ask the medical community to work with my Administration next year to bring consistent and effective oversight to this growing industry in the shared interest of protecting patient safety.”

SB 744 by Senate Health Committee Vice Chair Tony Strickland. This bill was sponsored by the Department of Public Health. It increases the funding for state regulation of labs by raising

fees on the larger labs although it reduces fees paid by physician owned labs (POL's). For example, according to the DPH website, the renewal fee for a license is \$952 for all labs today. SB 744 would change the fee to \$170 for labs that perform less than 2001 tests a year and \$720 for those doing between 2001 and 10,000 tests a year.

Status: Signed into law by the Governor. CalDerm received the following assurances on the bill: 1) Some POLs today do not pay a state fee if they were in operation prior to 1996. In response to a question by CalDerm, DPH says that SB 744 will not change that policy – pre-96 POLs will still be exempt. 2) Members have also raised concerns about possible changes in proficiency testing methods. Again, in response to a CalDerm query, the department says that the bill will not affect any of the current proficiency test methods employed by dermatologists.

CalDerm will inform its membership of developing legislation for the 2010 year with CalDerm Alerts via email. Please be sure that CalDerm has your current email address by visiting the CalDerm web site at www.calderm.org and update your member profile.

CalDerm Represents You at the Policy Making Table

In addition to the standing committees within CalDerm, physician members also serve on several state permanent and ad hoc committees to ensure that dermatologists have a voice before these policy making entities:

Medicare Contractor Advisory Committee (CAC)

Each state Medicare carrier is required to have a physician Contractor Medical Director (CMD). The CMD for California's Medicare Administrative Contractor (MAC), Palmetto GBA, oversees the development and implementation of local Medicare policies and procedures in his jurisdiction. This includes dealing with utilization and fraud and abuse issues and with the proper production of local coverage determinations (LCD's).

LCDs, formerly referred to as Local Medical Review Policies (LMRPs), are documents generated by local Medicare carrier intermediaries in response to utilization or fraud and abuse concerns. These documents specify criteria for Medicare coverage for select procedures or diagnostic code sets. They typically include a list of indications that support medical necessity and enumerate covered ICD-9 diagnostic codes and CPT procedural codes.

To assist Medicare carriers with a variety of issues, including the development of LCDs, each state is required to have a Contractor Advisory Committee (CAC) comprised of physicians from various specialties who serve as resources to their local Medicare carriers. CalDerm Board members Anna McNay, M.D. of

Fremont and Alexander Miller, M.D. of Yorba Linda currently represent dermatology on this committee.

California Medical Association, House of Delegates

The HOD establishes CMA policies on key issues that affect the practice of medicine, from medical ethics to critical matters of public health. With 450 delegates representing 11 geographic districts, 30 medical specialties, and all modes of practice, the delegates embody the diversity of California's physicians. As the CMA's legislative body, the HOD meeting serves to craft and communicate the physician vision of medical care to the public, to lawmakers, and to the regulators who determine how medicine is practiced in California and the United States. Representing dermatology, the

Policy Table continued on page 5

Highlights from the 2009 CalDerm Annual Meeting September 9, 10 & 11, 2009, Hilton La Jolla Torrey Pines



Richard Odom, M.D. gives the Victor Newcomer, M.D. Memorial Lecture



Ann Haas, M.D. presents outgoing CalDerm President, Jerome Potozkin, M.D. with a crystal gavel award in appreciation of his service



Ann Haas, M.D., CalDerm President presents Margaret Parsons, M.D. of Sacramento with the Kathleen Adair, M.D. Advocacy Award



The CalDerm Presidents Award is presented to the top three Residents Forum speakers (L-R): Valerie Tokarz, M.D., Naval Medical Center San Diego, second place; Anne Truitt, M.D., UC Irvine, first place; and David Lortscher, M.D., UC San Diego, third place



Alexander Miller, M.D., Chair of the 2009 Annual Meeting

Congratulations to the CalDerm Annual Meeting Program Committee for orchestrating a very successful meeting with an outstanding line-up of speakers and a record attendance of 200 dermatology physicians:

Alexander Miller, M.D.
Chair

Ann Haas, M.D.

Arash Izadpanah, M.D.

Sharon Jacob, M.D.

Craig Kraffert, M.D.

Matthew Luxenberg, M.D.

Margaret Mann, M.D.

Isaac Neuhaus, M.D.

Gary Novatt, M.D.

Sima Torabian, M.D.

David Woodley, M.D.

CalDerm would like to thank the following members who contributed to the CalDerm PAC (political action committee) during the 2009 year.

KIM ALBRIDGE M.D., FREEDOM
MICHAEL BASTIEN M.D., ENCINO
KATHLEEN BEHR M.D., FRESNO
FRANK BERRY M.D., MERCED
GERALD BOCK M.D., STOCKTON
MICHAEL BOROK M.D., NORTHRIDGE
WILLIAM BROKKEN M.D., SANTA BARBARA
ROBERT CARLIN M.D., LAGUNA HILLS
VERA CHOTZEN M.D., SACRAMENTO
VICTOR CONSTANTINE M.D., BAKERSFIELD
JEFFREY CROWLEY M.D., BAKERSFIELD
JANICE DAVOLIO M.D., PASADENA
ROBERT DESTEFANO M.D., CALABASAS
SUNIL DHAWAN M.D., FREMONT
MARVIN ENGEL M.D., WALNUT CREEK
MICHAEL FAZIO M.D., SACRAMENTO
CARY FEIBLEMAN M.D., LONG BEACH
DAVID FRIEDMAN M.D., NORTHRIDGE
RICHARD GLOGAU M.D., SAN FRANCISCO
MELVIN GORELICK M.D., MONTEREY
DANIEL GROSS M.D., TARZANA
ANN HAAS M.D., DAVIS
RICHARD HAMBLEY M.D., MONTEREY
WILLIAM HEIMER M.D., ENCINITAS
DAVID HERZLINGER M.D., NEWPORT BEACH
JAMES JACOBITZ M.D., SAN FRANCISCO
LENORE KAKITA M.D., PASADENA
ANDREW KAUFMAN M.D., THOUSAND OAKS
HALA KOUDSI M.D., TORRANCE
CRAIG KRAFFERT M.D., REDDING
GARY LASK M.D., ENCINO
DAVID LAUB M.D., MILL VALLEY
CHARLES LINDEN M.D., TARZANA
DAVID LIPMAN M.D., THOUSAND OAKS
JAMES LONGBAUGH M.D., SAN LUIS OBISPO

MATTHEW LUXENBERG M.D., LOS ALAMITOS
COMRON MALEKI M.D., THOUSAND OAKS
LESLIE MARK M.D., SAN DIEGO
ALEXANDER MILLER M.D., YORBA LINDA
MICHAEL MOATS M.D., SANTA MARIA
RONALD MOY M.D., LOS ANGELES
GREG NELSON M.D., VAN NUYS
ISSAC NEUHAUS M.D., SAN FRANCISCO
GARY NOVATT M.D., SANTA BARBARA
LISA OKI M.D., SIMI VALLEY
KEVIN OSBURN M.D., SANTA BARBARA
MARGARET PARSONS M.D., SACRAMENTO
EARL PEARSON M.D., PORTERVILLE
JEROME POTOZKIN M.D., WALNUT CREEK
LAUREN REAGER M.D., SANTA MONICA
TIM RICHARDSON M.D., RANCHO MIRAGE
LAWRENCE RIVKIN M.D., BEVERLY HILLS
HAROLD RODGERS M.D., SAN JOSE
ROBERT ROTH M.D., FREMONT
PETER RULLAN M.D., CHULA VISTA
LARSON RUTH M.D., POWAY
ELISABETH SHIM M.D., PASADENA
DAVID SIRE M.D., FULLERTON
DAVID SOUTH M.D., FREEDOM
JON STARR M.D., MENLO PARK
LOUISE STEWART M.D., SANTA BARBARA
JOHN VALENTIC, M.D., UKIAH
THOMAS VAN METER M.D., SANTA BARBARA
STEPHEN VANNUCCI M.D., CHICO
GARY WAGNER M.D., MODESTO
KATHLEEN WELSH M.D., SAN FRANCISCO
JOHN WILLEN M.D., TURLOCK
ALLAN WIRTZER M.D., SHERMAN OAKS
LINDA WONG M.D., CITY OF INDUSTRY
DAVID WOODLEY M.D., LOS ANGELES

CalDerm Hires New Lobbying Firm

CalDerm announces the appointment of Tom Riley, Chief Executive Officer of Cal Capitol Group, as its new lobbyist in Sacramento.



Tom Riley, Cal Capitol Group

For more than 20 years, Tom has provided legislative and regulatory consulting services to a variety of health care organizations including the CA Academy of Family Physicians, American Academy of Pediatrics and the Osteopathic Physicians & Surgeons of CA. In addition, Tom is also well known for his expertise in the public relations arena adding an important dimension to his effectiveness as an advocate for his clients.

For more information on Tom Riley and Cal Capitol Group, please visit www.calcapitol.com.

Policy Table continued from page 3

CalDerm Board appoints a delegate and alternate to attend the annual CMA House of Delegates meeting.

California Medical Board (CMB), Physician Supervision Advisory Committee

As a result of the veto of SB 675 (see page 3), Senator Gloria Negrete Mcleod, Chair of the Senate Business & Professions Committee, sent a letter to the CMB requesting that it review the issue of physician availability and adopt the necessary regulations to implement changes necessary to ensure the continued protection of California consumers who are increasingly using the services of medical spas. As a result the CMB voted to establish an advisory committee comprised of a representative from CMA, the specialty areas of plastic surgery and dermatology, and physician assistants.

NEWS FOR CALIFORNIA DERMATOLOGISTS

**California Society of Dermatology &
Dermatologic Surgery**

**980 9th Street, PMB #1654
Sacramento, CA 95814
(916) 498-1712 Phone
(916) 244-0330 Fax
membership@calderm.org**

www.calderm.org

**Karmi Ferguson, MBA
Executive Director**

**Tom Riley
Government Relations Director
Cal Capitol Group**

California Society of Dermatology
& Dermatologic Surgery

980 9th Street, PMB #1654
Sacramento, CA 95814

Address Service Requested

PRESORTED FIRST CLASS
U.S. POSTAGE
PAID
OAKLAND, CA
PERMIT NO. 591

2010 Membership Dues Campaign

Collection for 2010 CalDerm membership dues is underway and we ask that you please show support of your profession in California by becoming a dues paying member of CalDerm. Many CalDerm volunteers work on your behalf to protect your business and healthcare practice interests here in California.

CalDerm volunteers serve on committees that analyze important legislative and regulatory issues, develop the annual meeting program that brings accredited continuing medical education to you here in California, and pool expertise to lend

fellow members advice and guidance. CalDerm volunteers also represent California dermatologists on a number of advisory committees at both the state and national levels.

CalDerm is the only organization that exclusively represents California dermatologists before the California State Legislature and state regulatory agencies, and works to ensure that California dermatologists are collectively represented on issues that impact you each day. Please see the cover story of this newsletter for a summary of how CalDerm represented you in the 2009 legislative session.

CalDerm has also worked with several local dermatology societies in California to bring CME opportunities a little closer to home by introducing a new CME Joint Sponsor program for your local and regional meetings. And each year, CalDerm hosts Skin Cancer Awareness Day at the state capitol where volunteer members offer a free skin screening clinic for Legislators, their staff and the staff of many key state agencies. Last May, CalDerm volunteers screened 250 people at this popular event. Please support CalDerm programs with your dues contribution.

**Join CalDerm Today! Online Dues Payment
Now Available! Go to: www.calderm.org and
click on Membership Information.**