



California Society of Dermatology & Dermatologic Surgery

CalDerm™ UPDATE

NEWS FOR CALIFORNIA DERMATOLOGISTS

SPRING 2007

INSIDE THIS ISSUE:

Cover
2007 Legislative Update

Page 2
President's Message

Page 4
2007 Annual Meeting

Page 6
CalDerm Named Model State
Society by AAD

SAVE THE DATE!

CalDerm 2007 Annual Meeting

September
7, 8 & 9, 2007

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Monterey Conference Center,
Monterey, CA

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CalDerm Legislative Update – 2007

By John Valencia, Esq., CalDerm Legislative Advocate

The dominant issues in the 2007 Legislative Session range from the dismal health care in the state prison system that has the prisons in Federal receivership to the parade of "reform" proposals advanced by the Governor, the Speaker of the Assembly, the President of the State Senate and the minority party caucuses. Amidst the din of so-called "big ticket" items, CalDerm and medicine are grappling with the following issues:

SB 661 – Anatomic Pathology Services-

CalDerm supports the objective of SB 661 (Maldonado) to build on existing law to make it unlawful for health care professionals to bill any third-party payer for anatomic pathology services that are not actually rendered by the physician or under his/her direct supervision. The bill would also require clinical laboratories (this includes POLs) providing anatomic pathology services to directly bill the responsible third-party payer for those services.

Since last legislative session's SB 1369 by Senator Maldonado, CalDerm has zealously guarded California dermatologists' ability to render their licensed professional services, and bill third party payers for the services rendered. CalDerm's work on SB 661 will ensure that the bill does not inadvertently (or by design of competing specialties) limit the capacity of California dermatologists to practice medicine and secure payment for services rendered.

The law TODAY in California:

Business & Professions Code Section

655.5 clearly spells out the existing prohibition against billing any third party for work not done by the physician him/herself without prior disclosure to the third party payer (i.e. patient, insurance company, health plan).

"CalDerm's work on SB 661 will ensure that the bill does not inadvertently (or by design of competing specialties) limit the capacity of California dermatologists to practice medicine and secure payment for services rendered."

Subject to prior disclosure required by Section 655.5, the services of additional physicians ("second opinions") may be utilized and the services may be billed. The charges simply cannot be sub-

sumed into the charges of the originating physician suggesting that he/she performed the work him/herself.

Additionally, if the originating physician elects to "hire" a consulting physician for a second opinion, and not charge anyone, there is no prohibition as to that arrangement.

The law as PROPOSED to be amended by SB 661:

1. Flatly, unequivocally and simply states, "A person licensed under this division [meaning physicians]...shall not charge, bill, or otherwise solicit payment, directly or indirectly, for anatomic pathology services, if those services were not actually rendered by that person or under his or her direct supervision."

In plain English, "You do the work, you get to bill for it."

2. Simply and clearly states that commercial and physician operated labs are on equal footing when it comes to referring samples - "...a clinical laboratory [this includes POLs] may seek payment for anatomic pathology services if it is

Legislative continued on page 3

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President's Message



Seth L. Matarasso, M.D.

From "A TO Z" or better yet from Alster to Zitelli:

Annual Meeting Has Something for Everybody!

After well over a year of planning and much deliberation the ink is dry and the program is set for the CalDerm Annual Meeting! And truly the meeting far surpasses all of our expectations. Our goal has always been to be a society that is inclusive-inclusive for all of the dermatologists in the state and inclusive of all subject matters that pertain to our specialty. To that end we have assembled a wide range of topics and an impressive speaker's rostrum. We attempted to break the meeting down into "mini-symposia" that focus on one subject matter. If already an expert in one topic than a visit to the exhibits or even the world renowned Aquarium might be of interest.

The Practice Management session should really not be considered optional. Drs. Siegel and Baldwin who both hail from the great state on the opposite coast-New York, are both seasoned speakers and will have a profound impact on how to approach patient care. Dr. Blauvelt will provide late breaking information on "biologics" that will improve the quality of life of our patients. And as she has been a significant source of information in the past-Ms. St. John, an AAD representative, is one of the few encore presenters. With an ever changing coding system-hopefully she can shed some light on how to code efficiently and appropriately.

For the medical dermatologist, the meeting will start off with pearls from the outstanding teaching staff at UCSF. Drs. Berger, Koo and Fox will give facsimiles of lectures from the medical school Grand Rounds schedule. Having been on staff

and participated in this forum, I can assure you that there will be many clinical facts and anomalies that have not been seen since your days as dermatology residents.

Two of the original pioneers in the laser arena: Drs. Alster and Wheeland will educate us by separating fact from fiction and hopefully how to integrate some of the latest technology into our offices. Truly these two teachers are remarkable authorities and will share some of the knowledge that has taken them years to garner.

Prior to lunch, it is an honor to have Dr. Elizabeth McBurney present our annual Victor Newcomer lectureship. She is without doubt a perfect choice for this honor. Dr. Newcomer was a beloved and time honored teacher at UCLA-so having Dr. McBurney-a beloved and time honored teacher from Tulane University School of Medicine is the ideal match. She is also the perfect choice as our first female "Newcomer" speaker as she has been a true role model for the women that have followed under her tutelage.

Although lunch will be in a beautiful setting, to continue our tradition, we will combine some business with pleasure. This year it is a privilege to have Dr. William Hanke the president elect of the AAD joins us. Dr. Hanke, from Indiana, will give us an idea of what is in the works in our national organization. You can without doubt expect the best from Bill. He has served in virtually every capacity at both the AAD as well as the ASDS and he also knows what it is like to be in both academia and in private practice. Clearly he can relate to each and every one of us. While we will let you enjoy lunch, it is important to get a legislative update. Our state lobbyist, John Valencia, can give you a follow up on what CalDerm has accomplished this past year and some insight of what has occurred in the state capitol as it relates to physicians and in particular dermatologists.

The afternoon will truly be an exceptional experience for the surgeons among us! From skin cancer to "injectables" all bases will be covered. Honestly it will be a wonderful experience to have Dr. John Zitelli visit from Pittsburgh, PA. John is the quintessential teacher. He has truly taught countless Mohs surgeons over the years-his presentations are always well thought out and without bias. It is an exceptional treat to have him cross the country for us. From the West Coast-Drs. Fazio and Kaufman will have an interactive session on some practical ways to close surgical wounds. This format is a

President continued on page 5

required to send a sample to another clinical laboratory for specialized testing or services only if that clinical laboratory has performed technical OR professional service related to the sample.”

You can send out tissue for slide prep, get it back, read it and bill the third party payer for that work. Commercial labs can only further refer tissue samples to other labs, and bill for it, under the same circumstances (a “level playing field”).

Under SB 661, you would be able to refer tissue samples to another POL (for “second opinions”) and bill for that work provided you perform a “professional service” related to the sample.

As always, if you elect to “hire” (i.e., refer to) a consulting physician for a second opinion and do not charge anyone for that, there is no prohibition as to that arrangement.

3. There will be no more direct connection to existing Section 655.5. There will be no more need to prior-notify third party payers of your intended billing conduct, but you must perform either a technical or professional service related to the sample.

4. Finally, a clinical laboratory may bill for anatomic pathology services that are performed by an affiliated clinical laboratory. An “affiliated clinical laboratory” means a clinical laboratory that is wholly owned by, is the parent of, or is under common ownership with, the clinical laboratory billing for the anatomic pathology services. For these purposes, “wholly owned” means 100 percent ownership directly or through one or more subsidiaries, and “common ownership” means 100 percent ownership by a common parent company.

SB 661 now goes before the Senate Committee on Appropriations in early May.

AB 105 – Limiting Teen Access to Artificial UV Carcinogens-

CalDerm supports AB 105 (Lieu) as a logical update to the society’s own sponsored

law from 2004 (AB 2193-Nation) that set current standards. Alarming, emerging data continues to show skyrocketing rates of the incidence of melanoma and all forms of skin cancer, particularly among teenagers and, especially among girls and young women.

AB 105 prohibits children under 18 years of age from using a tanning facility.

The tanning industry has built a business model targeting teens (of course, the tanning industry opposes AB 105), fostering

the generally held view of tanned skin as benign, and even desirable. However, indoor tanning is associated with skin cancer and UV radiation from tanning devices is a classified carcinogen. Skin cancer is the most commonly diagnosed cancer, annually accounting for more than 1 million new U.S. cases and costing billions of dollars to treat.

Even though AB 105 is sponsored by others, CalDerm has provided lead physician and patient testimony in support of the measure, and as well as critical technical assistance in its development. CalDerm has also provided the author and other policymakers with important data underscoring the need for the bill.

The Law TODAY in California.

Today, California law bans teen access to tanning facilities for those 14 and under.

Before any person between 14 and 18 years of age uses a tanning device, he/she must give the tanning facility a statement

“Alarming, emerging data continues to show skyrocketing rates of the incidence of melanoma and all forms of skin cancer, particularly among teenagers and, especially among girls and young women.”

signed by his/her parent or legal guardian stating that the parent or legal guardian has read and understood the warnings given by the tanning facility, consents to the minor’s use of a tanning device, and agrees that the minor will use the protective eye-wear that the tanning facility provides.

A first violation of this chapter is an infraction. Each day a first violation continues constitutes a separate infraction.

Any violation subsequent to a first violation is a misdemeanor. Each day a subsequent violation continues constitutes a separate misdemeanor. A tanning facility that violates this law is liable for a civil penalty of \$2,500 per day.

The Law as PROPOSED to be amended by AB 105.

The bill prohibits teens under 18 years of age from using an ultraviolet tanning device and would require that proof of age be provided.

The bill requires that the written warning statement required to be provided to tan-

ning facility customers include additional warnings and be given to a customer before the customer uses an ultraviolet tanning device.

The bill requires warning signs to be posted conspicuously and in an area where an ultraviolet tanning device is used that is readily visible to customers.

The bill would prohibit a tanning facility from claiming that indoor tanning has any known health benefits.

The bill would require a tanning facility timer to be remotely located so that customers could not set their own exposure time.

AB 105 now goes before the full State Assembly in early May.

Under the category of, “Who Wants to Practice Medicine without Going to Medical School?” (aka Scope of Practice Bills)

SB 557 (Wiggins) Workers’ Comp: Qualified Medical Evaluators-Audiologists

This bill declares the intent of the legislature to establish requirements that would allow audiologists to be qualified medical evaluators for workers’ compensation.

Status: Pending; Senate Committee on Appropriations for May hearing.

SB 809 (Ashburn)-Primary Care Clinics: Underserved Areas & Improved Access

This bill declares the intent of the Legislature to “include access to primary care in underserved areas by encouraging establishment of additional clinics by allowing registered nurse practitioners greater flexibility to operate clinics.”

Status: Deferred until 2008.

SB 993 (Calderon)-Psychologists: Prescribing Drugs

This bill would authorize psychologists to prescribe psychotropic medications.

The contention is there’s a shortage of mental health services in rural areas that hinder access. Not surprisingly, psychology points to the authorized privileges of advanced nurse practitioners, optometrists, podiatrists, physician assistants and other health care providers. The bill would require a psychologist to “maintain an ongoing collaborative relationship with the medical practitioner who oversees the patient’s general medical care to ensure that necessary medical examinations are conducted, and to be aware of any significant changes in the patient’s physical condition.”

California Society of Dermatology & Dermatologic Surgery - CalDerm™

2007 Annual Meeting

Portola Plaza Hotel & Monterey Conference Center, Monterey, CA
September 7, 8 & 9, 2007



SAVE THE DATE!



Don't miss this stellar line-up of top dermatology professionals in the field!

Elizabeth McBurney M.D.

As the distinguished Victor Newcomer M.D., Memorial Lecturer


Tina Alster, M.D.
Hilary Baldwin, M.D.
Christopher Barnard, M.D.
Ronald Barr, M.D.
Michael Bastien, M.D.
Timothy Berger, M.D.
Andrew Blauvelt, M.D.
David Cassarino, M.D.

Bari Cunningham, M.D.
Zoe Draelos, M.D.
Michael Fazio, M.D.
Lindy Fox, M.D.
William Hanke, M.D.
Renee Howard, M.D.
Andrew Kaufman, M.D.
Arnold Klein, M.D.
John Koo, M.D.

Seth Matarasso, M.D.
Phoebe Rich, M.D.
Mark Rubin, M.D.
Daniel Siegel, M.D.
Susan Swetter, M.D.
Steve Tyring, M.D.
Ronald Wheeland, M.D.
John Zitelli, M.D.

FEATURED SESSIONS INCLUDE:

Biologics & Practice Management • Grand Rounds at UCSF
Cutaneous Oncology & Reconstruction • Injectable Panel – "Hollywood Style" (live demonstration)
Cosmeceuticals: What is in Your Patient's Medicine Chest? • Pediatric Dermatology
Under the Microscope • CLIA Histopath Exam • Resident's Forum Presentations



The California Society of Dermatology & Dermatologic Surgery (CalDerm) Annual Meeting is accredited by the Institute for Medical Quality/California Medical Association (IMQ/CMA) to provide continuing medical education for physicians. CalDerm takes responsibility for the content, quality and scientific integrity of this CME activity. CalDerm designates this educational activity for a maximum of 14 AMA PRA Category 1 Credit(s)™.

Please visit www.calderm.org for the complete Clinical & Scientific Program Schedule and more details on how to register!

14 AMA PRA Category 1 Credit(s)™ of Continuing Medical Education

first for our meeting and hopefully will generate some lively discussion. An important topic-malignant melanoma-will be addressed by Dr. Susan Swetter from Stanford University. While there is no cure to this cancer-hopefully she will provide further insight into the disease.

As always we try to include a hands on session. Saturday afternoon will be rounded off with an "injectable" panel. We are all curious to know how they make the beautiful people, beautiful in Hollywood. And we are very fortunate to have two extraordinary dermatologists, Drs Mark Rubin and Arnie Klein teach us their "tricks of the trade". These two physicians are highly sought after not only for their aesthetic acumen but additionally for their exceptional teaching skills. So it will be a highlight of the meeting to have them teach us how they inject their patients-perhaps one of the most demanding populations.

Yet again Dr. Chris Barnard has volunteered both his patients and his time to help demonstrate the various injection techniques that have been demonstrated by Drs. Rubin and Klein..

To start the day off on Sunday, we have included a session that has been expanded by popular demand: "Cosmeceuticals" also known as truth in advertising. We have asked three astounding women to enlighten us as to what our patients really do when we are not around. Drs. Draelos, Rich and Howard are going to shed some

light on what to expect when patients leave our offices and go to the local pharmacy and cosmetics counter to purchase the "latest and greatest" anti-aging and topical preparations. Clearly a topic that is very timely and rarely taught in academic environments.

The fields of pediatric dermatology and infectious diseases always seem to have new information, so this is a wonderful opportunity to keep abreast of the changes that have occurred in the recent past. Dr.

"Our goal was to provide something for every dermatologist in the state-both on a clinical level as well as a political level."

Cunningham will provide insight into misdiagnosis and mistreatments that can happen in the younger patient and tips to avoid them. Dr. Steve Trying is truly one of the leading experts in viral infections. With so much that has been discovered about disease transmission, prevention and treatment- there will be much new information presented.

To round off the meeting and cover all aspects of dermatology, the final session will be on Dermatopathology. Our CLIA exam will be provided by Dr. Bastien who has assured us that his exam will not be as

difficult as our boards. And it will be nice to have Dr. Ron Barr back teaching. His topic is "hot of the presses" and will hopefully shed some light on a very difficult subject.

Monterey will officially end my tenure as Program Chair of our Annual Meeting and it has been a remarkable experience. We started off a very small and somewhat fractionated organization and we have grown!! Our goal was to provide something for every dermatologist in the state-both on a clinical level as well as a political level, and I think that we have achieved that. With over 50 exhibits an array of entertainment options in a comfortable and family friendly environment,there are very few, if any meetings that offer such an exceptional educational opportunity. With 14 CME hours that are recognized by both the state as well as the AAD this is a meeting that has far surpassed our expectations. I am both proud and humbled to have had this opportunity to assist in the growth of our organization, and I truly hope that you are as well.

Please continue to support our specialty and come to the meeting-I can in deed assure you that "there is something for everybody".

I hope to see you in Monterey.



Seth L Matarasso, M.D.
President

Legislative continued from page 3

Status: Active; pending in Senate Committee on Business & Professions

AB 636 (Levine)-Acupuncture

This bill would add the use of low-level laser stimulation to the scope of practice that can be performed under an acupuncturist's license. "Low-level laser stimulation" is defined as the "external stimulation of acupuncture points with a biostimulation laser device designated as a class IIIb laser by the Federal Food and Drug Administration. According to the author's office, "light" is used to stimulate acupuncture points using the same rules of point selection as needle acupuncture.

Status: Deferred until 2008.

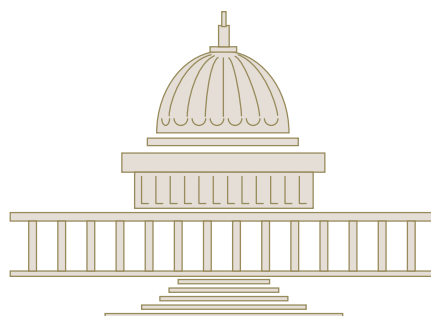
AB 1436 (Hernandez)-Nurse Practitioners

This bill is sponsored by the California Association of Nurse Practitioners (CANP).

Described in CANP's "action alert" as their effort to "define the role and scope of practice for Nurse Practitioners in

California," the bill would provide that a nurse practitioner is authorized to perform comprehensive health care services for which he or she is educationally prepared and competent to perform and to admit and discharge patients from health facilities "in collaboration," with specified healing arts practitioners, thereby eliminating physician supervision at a current ratio not to exceed (1:4).

Status: Deferred until 2008.



AB 1444 (Emmerson)-Physical Therapists

This bill is sponsored by the California Physical Therapy Association (CPTA) to authorize a physical therapist to initiate treatment of conditions within the scope of physical therapist practice and require a physical therapist to refer his or her patient to another specified healing arts practitioner if the physical therapist has reason to believe the patient has a condition requiring treatment or services beyond that scope of practice.

Status: Deferred until 2008.

AB 1643 (Niello)-Nurse Practitioners

This bill eliminates the physician supervision ratio for Nurse Practitioners (1:4) in current law.

Status: Deferred until 2008.



CalDerm™ UPDATE

NEWS FOR CALIFORNIA DERMATOLOGISTS

California Society of
Dermatology & Dermatologic
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Karmi Ferguson, MBA
Executive Director

New ID for State Society

CalDerm will become the new identifying acronym for the California Society of Dermatology & Dermatologic Surgery, replacing the former acronym, CDS. In effort to establish a more easily identifiable brand and organizational consistency, CalDerm has been trademarked to now represent the society on all forms of communication.



This issue of CalDerm Update is underwritten by a grant from Allergan. On behalf of the California Society of Dermatology & Dermatologic Surgery, we wish to thank Allergan for this support and in helping to inform readers of issues that protect the business interests of all dermatologists in California.

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CalDerm Named Model State Society by AAD

Bruce Brode, M.D., Chair of the AAD State Society Task Force presents CalDerm President, Seth Matarasso, M.D. with the AAD 2006 Model State Award at the AAD Annual Meeting in Washington, DC.

WORKER'S COMP RATES REMAIN LOW!

If your office qualifies, a new program sponsored by CalDerm may help you save nearly 40% over the prevailing rate. CalDerm now sponsors a special worker's compensation insurance program for employers with fewer than 50 employees and a good track record of controlling losses. In partnership with InterWest Insurance Services, rates currently offered are: **Group Rate at 1.74** and **Non-Group Rate at 1.83**. Rates are expected to lower effective January 1, 2007 – please call for updated quotes.

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