

CalDerm® Update

The Voice of California Dermatology

California Society of Dermatology & Dermatologic Surgery

NEWS FOR CALIFORNIA DERMATOLOGISTS

FALL 2007

INSIDE THIS ISSUE:

- Page 2
Introducing the 2007-2008
Board of Directors
President's Message
- Page 3 & 4
2007 Annual Meeting Highlights
- Page 5
2007 Legislative Affairs
Wrap-up

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2008 CalDerm Annual Meeting

September
12, 13 & 14, 2008

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Non-Physician Practice of Medicine

Implementing New Law from 2006

By Jerome Potozkin, M.D. CalDerm President Elect & Chair of the Allied Health Committee

Working to prevent needless patient injury in cosmetic medical procedures, CalDerm Board members and volunteers in conjunction with the American Society for Dermatologic Surgery (ASDS) provided lead testimony and advocacy throughout the year before joint convenings of the Medical Board of California and the state Board of Registered Nursing to guide and influence the job these agencies must get done in fairly short order. These boards must, by January 1, 2009, promulgate regulations to implement changes determined to be necessary as a result of these statewide hearings regarding the use of laser or intense pulse light devices for elective cosmetic procedures by physicians, nurses, and physician assistants.

Testimony was presented that showed patient injuries were greater in frequency when treatments were performed in non-traditional settings such as the strip mall. There were more injuries when treatments were supervised by a physician who was offsite. The greatest number of complications occurred when there was an offsite physician who did not train in a specialty in which aesthetic treatments are part of the training.

Testimony presented by CalDerm Leadership and ASDS leadership was clearly aimed at patient protection. The importance of enforcing existing law that bars a non-physician from owning a medical practice (such as a medi-spa) was

stressed. We urged the medical board and board of registered nursing to require that the board eligibility or board certification of a supervising physician be known. We believe that patients have a right to know that their cosmetic laser treatment is being supervised by a psychiatrist or rectal surgeon as opposed to a dermatologist. Testimony in support of on site supervision or at the limiting the number of sites that a physician can supervise such as those legislated in Florida was presented. It is the contention of CalDerm and ASDS that a physician who is licensed in California but lives in Utah cannot provide meaningful supervision for cosmetic laser procedures being performed at multiple sites in California. CalDerm Board members and volunteers at large -- together with their injured patients -- have traveled around the state to deliver a patient first message at hearings held by these consumer-protection agencies, and to urge tighter controls for proper patient assessment, and tough restrictions on who should wield medical-grade lasers.

CalDerm and ASDS will continue to be involved in the process. We hope the dual boards can enact and enforce meaningful regulation of the use of Cosmetic Medical Lasers. We want to avoid a "wild west" atmosphere promoted by financial interest and greed as opposed to what is in the best interest of our patients.

For more information contact CalDerm at (916) 498-1712 or email membership@calderm.org.

"The greatest number of complications occurred when there was an offsite physician who did not train in a specialty in which aesthetic treatments are part of the training."

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President's Message



Craig A. Kraffert, M.D.

As I begin this inaugural address as CalDerm President, it seems appropriate to pause for a moment and contemplate just how lucky we really are to be dermatologists in California. Dermatology remains abundantly interesting and is of the greatest medical specialties. Similarly, California is one of the greatest states with something for everyone. California dermatologists are also very fortunate that the combined efforts of our colleagues over the past 35 years have produced our flourishing state dermatology society, CalDerm.

CalDerm's Annual Meeting in Monterey this past September serves as a reference point for many positive changes within the organization. For the fourth consecutive time, Seth Matarasso, M.D. served as CalDerm's Annual Meeting Chair. Each time 'the bar' for quality has been set higher. Written post-meeting reviews indicate a general sense amongst attendees that CalDerm's Annual Meeting is unsurpassed for its speaker selection and overall experience. CalDerm's meeting consistently packs lots of CME from great speakers into a brief meeting at a charming convenient seaside locale. The Annual Meeting mantra is to have great dermatology talks for AMA CME in memorable surroundings with minimal impact on our members' clinic schedules. After four resplendent years, Dr. Matarasso has handed CalDerm's Annual Meeting Chairmanship to Alexander Miller, M.D. In this tradition of excellence, Dr. Miller and the Annual Meeting Committee are planning CalDerm's September 2008 meeting at Fess Parker's Resort on the beach in Santa Barbara. On behalf of CalDerm, I wish to express our grati-

tude to Drs. Matarasso and Miller. Thank you!

Dr. Matarasso has also done a commendable job as CalDerm's outgoing President. Following in his footsteps is a privilege, honor and challenge. It is my pleasure to welcome CalDerm's new Board Members and Officers who have similarly stepped forward for our common cause. CalDerm's well rounded Board is a great asset and reflects our membership quite well. The goal of the CalDerm Board is to reach consensus on issues that matter to California Dermatology and take steps as an organization to protect the interests of our member dermatologists.

CalDerm has hired a new government advocacy group for 2008. We wish to express sincere heartfelt thanks to our outgoing Legislative Advocate, John Valencia, Esq. of Wilke, Fleury, Hoffelt, Gould & Birney, for many years of dedicated work on behalf of CalDerm. Mr. Valencia was the inspiration behind our Annual Meeting and his skillful lobbying efforts have advanced California Dermatology's interests.

Yes, it is a time of substantive change for CalDerm. Even our name, CalDerm (our registered trademark) is a recent change from the ambiguous 'CDS'. Along with our new name, CalDerm's Board has adopted a new slogan, 'The Voice of California Dermatology' which speaks succinctly to our raison d'être. These identifying elements shape our new logo which graces front of this newsletter and all CalDerm communications. CalDerm also has a slick new website, www.CalDerm.org, which brings our internet presence into the 21st century and improves the image of organized dermatology in our state. Moving forward, CalDerm intends to make better use of internet tools to communicate with our members and offer online meeting registration and membership renewal in 2008.

In today's world, speaking up for and defending California Dermatology with a persuasive unified voice in socio-political matters is essential. CalDerm is the one and only organization that watches out for what matters most to California Dermatologists. CalDerm's Board is doing its best to keep our voice heard in

President continued on page 6

Highlights from the 2007 CalDerm Annual Meeting September 7, 8 & 9 in Monterey, CA



Dr. Alexander Miller (right), 2007 CalDerm PAC President, presents Dr. Lenore Kakita with the newly established Kathleen Adair, M.D. Advocacy award.



Dr. Craig Kraffert (left), 2007 CalDerm Legislative Chair 2007 and CalDerm President Elect, presents Assembly Member Ted Lieu (D-Torrance) with the CalDerm Legislator of the Year award.



The 2007 CalDerm Annual Meeting show cased 60 companies that displayed products and services for the dermatology field.

Highlights from the 2007 CalDerm Annual Meeting September 7, 8 & 9 in Monterey, CA



From left to right: Dr. Margaret Parsons, 2007 CalDerm Secretary/Treasurer; Dr. Elizabeth McBurney, the 2007 Victor Newcomer, M.D. Memorial Lecturer; Dr. Alexander Miller, 2007 CalDerm PAC President; Dr. Tina Alster, Annual Meeting speaker; and Dr. Ann Haas, CalDerm Board of Directors.



Dr. Seth Matarasso (center), 2007 CalDerm President & 2007 Annual Meeting Chair, with the 2007 President's award recipients, Dr. Kevin Wang of UCSF and Dr. Payam Saadat of UCI. The President's award goes to the top Resident Forum presentations.



The 2007 CalDerm Annual Meeting was host to 165 dermatologists from throughout the state and around the country.

2007 Legislative Affairs Wrap-up

By John Valencia, Wilke, Fleury, Hoffelt, Gould & Birney

SB 661 (Maldonado) ANATOMIC PATHOLOGY SERVICES

Signed into Law Effective
January 1, 2008

Imagine if you could no longer bill 88305....

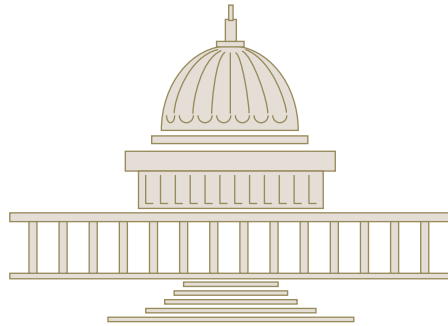
That's what could have happened if CalDerm had not worked diligently to protect the interests of California dermatologists who read their own pathology slides. CalDerm's work on shaping and defining the fine points of this year's SB 661 was an ongoing contest with a Pathology Lobby/Sponsor that had initially promised to work in consultation with CalDerm. Without CalDerm's consultation or consent, however, Pathology on several occasions discretely inserted language into the bill that could have potentially been very damaging to Dermatology. CalDerm's intense and relentless pressure resulted in this contentious language being removed from the bill. As a direct result of these efforts, California Dermatologists remain able to send their non-Medicare specimens out for slide preparation and bill a global 88305 code for reading them.

SB 661 requires clinical laboratories to directly bill the responsible payer (insurance company or patient) for pathology services only when the referring physician neither reads the slide nor makes a histology slide from the surgical/biopsy specimen. In other words, if a doctor either reads a slide that was prepared for him elsewhere at his delegation and/or processes the surgical specimen/biopsy tissue and makes a slide (regardless of who reads it), that doctor may bill a global 88305 code to all carriers except Medicare – consistent with current CPT rules.

As was the case before SB 661 passed, however, a doctor may still bill a responsible payer (insurance company or patient) for 88305 codes even if that doctor doesn't make the slide or read it, provided that the doctor gives written notification to the payer (insurance company or patient) that the doctor intends to engage in this practice. Also, dermatologists who read slides may send slides out for second opinions on a case by case

basis. The consulting doctor in such cases should bill the payer (insurance company or patient) separately for the consultation/second opinion service.

CalDerm's efforts on SB 661 should be viewed overall as a success. Nevertheless, the confrontational nature of our negotiations with Pathology during the amending of SB 661 illustrates the subtleties and complexities of the myriad threats to our specialty. The CalDerm Board wishes to thank all its members for the personal and financial support that allows us to continue advancing Dermatology's interests in the challenging and ever changing California socio-political environment.



AB 105 (Lieu) Tanning Facilities Signed into Law Effective January 1, 2008

Throughout 2007, CalDerm strongly supported AB 105 (Lieu) as a logical update to the society's own sponsored law from 2004 (AB 2193-Nation) that set current California tanning facility standards. Even though this measure was formally sponsored by others, CalDerm provided lead physician and patient testimony in support of the measure, and supplied critical technical assistance throughout the bill's development. CalDerm also provided the author and other policymakers with important data underscoring the need for the bill.

That 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. Skin cancer is the most commonly diagnosed cancer, annually accounting for more than 1.3 million new U.S. cases and costing billions of dollars to treat.

The tanning industry has built a business model targeting teens (of course, the tanning industry opposed AB 105). It works to foster 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. Authored by CalDerm's 2007 Legislator of the Year, Assemblymember Ted Lieu of Torrance, AB 105 represents another victory over those myths.

AB 105:

- Prohibits a tanning facility from claiming that indoor tanning has any known health benefits.
- Requires tanning facility device timers to be remotely located so that customers can't set their own exposure time.
- Upgrades and requires that the written warnings given to tanning facility customers to discourage use of ultraviolet tanning devices by any person with a family history or past medical history of skin cancer, and any person with skin that burns easily.
- Adds to existing law that already prohibits minors 14 and under from using ultraviolet tanning devices. Under AB 105, when a minor between 14 and 18 years of age seeks the services of a tanning facility, the parent or legal guardian of that minor must appear in person at the minor's initial use of an ultraviolet tanning device to sign a written consent form in the presence of the owner or an employee of the facility, which consent may be withdrawn at any time. The consent would be valid for 12 months and subject to annual renewal in the same manner.

Non-Physician Practice of Medicine

Implementing New Law from 2006

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Legislative continued on page 6

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Executive Director**



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.

Legislative continued from page 5

ence the job these agencies must get done in fairly short order. These boards must, by January 1, 2009, promulgate regulations to implement changes determined to be necessary as a result of these statewide hearings regarding the use of laser or intense pulse light devices for elective cosmetic procedures by physicians, nurses, and physician assistants.

CalDerm Board members and volunteers at large – together with their injured patients -- have traveled around the state to deliver a patient first message at hearings held by these consumer-protection agencies, and to urge tighter controls for proper patient assessment, and tough restrictions on who should wield medical-grade lasers.

Statewide, CalDerm has also been--

- Actively identifying "medi-spa" and "medi-salon" non-physician practice of medicine - and the Rent-a-Docs who are enlisted to unlawfully delegate the practice of medicine to allied health professions and others.

- Preparing complaints to local district attorneys, city attorneys, and state agencies (i.e., Medical Board, Nursing Board, Cosmetology Board) which rely on the state Attorney General to prosecute scofflaws.

President continued from page 2

Sacramento. Membership and meeting attendance are the lifeblood of this collective voice. CalDerm's Board is focused on growing membership by providing real value for members and growing meeting attendance by creating a predictable experience that members are simply unwilling to miss. As each of us considers the long roster of possible organizations to join, memberships to renew and meetings to attend, let us consider placing CalDerm on the 'short list'. Thank you for your interest in CalDerm, the Voice of California Dermatology. See you in Santa Barbara!

A handwritten signature in brown ink that reads "Craig A. Kraffert M.D." with a stylized flourish at the end.

Craig A. Kraffert M.D.
CalDerm President

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