

2008 Annual Meeting Summary

by Wally Kregel, WSOA President

I would like to personally thank all of you who spent your November 15th Saturday with us at the Washington State Orthopaedic Association Annual Meeting, and encourage others to join us next year in early November in the Wenatchee / Leavenworth area for the 2009 Annual Meeting.



We were fortunate to have great attendance from a very engaged group of orthopaedic surgeons, excellent support from industry representatives, and intriguing educational talks on clinical issues as well as the pressing legislative and legal matters currently before us.

Special thanks to the WSOA Board members who spent Friday afternoon and Sunday morning developing a plan to combat the many important issues that our specialty is facing in the coming year.

The following is a brief summary of our meeting and the key initiatives developed by the WSOA Board of Directors:

Benton Franklin Orthopedic Associates (BFOA) vs. Columbia Physical Therapy

This lawsuit is scheduled to be ruled on by the Washington State Supreme Court this year. Briefs will be filed by the parties between January and March of 2009, and the final hearing is scheduled for May 2009. The issue to be ruled upon is whether or not it is legal for orthopaedic surgery practices to employ physical therapists. If the ruling is against BFOA, it will become illegal to employ physical therapists. This would likely lead to the inability to employ PA's, NP's, and occupational therapists in the near future. WSOA feels that this is not in the best interest of patients, physicians, physical therapists or other providers that could be affected. BFOA, a small orthopaedic group in the Tri-Cities, has already spent over \$300,000 in legal fees. To litigate this matter with appropriate vigor, it is estimated that another \$250,000 to \$300,000 in legal expenses will be required. After extensive evaluation and consultation, the WSOA Board believes that financial support for legal defense is critical and should be a primary goal of the organization. If not successfully challenged, this matter will have a profound negative effect on orthopaedic surgeons and their patients throughout the state and potentially throughout the country, either directly or indirectly. To this end, WSOA has taken over the responsibility for legal expenses necessary to defend the case through its conclusion. For more information, log onto www.wsoa.org and click on BFOA Case Background.

2008 Annual Meeting Summary (Cont.)

Washington State HB 2691

This legislation is imported directly from a Maryland law that aims to reduce unnecessary medical procedures by controlling the circumstances under which physicians can refer patients to healthcare entities in which they have a financial interest. Following its passage, a subsequent ruling on the law by the state's AG office concluded that the Act "bars a physician in an orthopedic group practice from referring patients for tests on an MRI machine or CT scanner owned by the practice, regardless of whether the services are performed by a radiologist employee or member of the practice or by an independent radiology group."

Extensive organization, litigation and legislative action has been required over the past four years since implementation, and a final ruling on this issue is still pending.

Washington State Representative Eileen Cody introduced a similar bill during the 2008 legislative session, and is likely to do so again in the 2009 session, unless measures are taken to address her concerns. The WSOA has been working with the Washington State Medical Association in devising a strategy to deal with Representative Cody's concerns. More significant engagement with our legislature will be required to avoid the dire results of this proposed legislation. Time and financial support will be critical to working out a successful conclusion to this issue.

Labor and Industries – Implant Reimbursements

Payment schedule changes taken unilaterally by L & I have resulted in a policy whereby implant charges at outpatient surgery centers are not reimbursed separately, resulting in a substantial financial loss to orthopaedic surgeons. The WSOA has challenged L & I on this issue, and we are hopeful that a resolution is forthcoming in the near future.

Membership Investments

Consensus was reached by the board that the current issues facing Washington State orthopaedic surgeons require vastly more effort and financial support. We believe that the investment now, toward these problems as a unified group, is in the best interest of our patients and the orthopaedic surgeons in Washington State.

Dues for 2009 will be \$750 for actively practicing orthopaedic surgeons, and \$100 for retired orthopaedic surgeons. This will allow the WSOA to take over the legal expense to defend the BFOA case and provide appropriate litigation representation before the Washington State Supreme Court.

To ignore these problems will lead to dire consequences for our patients and our ability to provide effective, convenient and appropriate care for them. Furthermore the WSOA, with the assistance from the Washington State Medical Association, will actively pursue additional financial and legal support from other Washington state specialty and county societies, AAOS, and other state orthopaedic associations, all of whom could potentially be affected by a negative outcome of this case.

The WSOA Annual Meeting will be free of charge in 2009 for members, residents, and fellows. It is our plan to hold the 2009 Annual Meeting in Wenatchee or Leavenworth in early November, in honor of our colleague Ed Farrar, who recently suffered a tragic bicycle accident which has left him paralyzed. Ed was a major influence on the WSOA for the past 10 years, and has been devoted to the practice of Orthopaedic Surgery in Washington State for over 20 years.



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