

The Audible Release

R.I.P. R.I.P

By Dan Roode, D.C.



“Florida PIP no longer exists”
“Medicare no longer covers chiropractic services”
“Private health insurance no longer covers chiropractic services”

Changes on the federal level have cut chiropractic out from government entitlement programs like Medicare. Upon losing physician status, chiropractic services will be considered entirely non-covered services with payments 100% the responsibility of the patient similar to massage therapy and acupuncture. These changes are expected to trickle down to the private insurers who often follow suit with austere changes to government programs.

Physician groups are using these changes as examples for why/how chiropractors should be considered extraneous and outside the realm of accepted health care; these groups are discouraging physicians from referring to chiropractors or even talking to their patients about chiropractic care.

Hopefully you're still reading this and realize it is a work of fiction: These are the Ghosts of Headlines Future. A glimpse of what one could expect if it were not for the ongoing efforts of chiropractors and chiropractic associations offering their time, effort, and/or money to keep moving chiropractic forward. Sometimes we move it just enough to not fall behind, but one thing is for certain – if we as a profession stop pushing forward, we *will* fall behind. All it takes is for enough chiropractors to sit on the sidelines. Even a cash-only practice would feel the hit of a world that turned its back on chiropractic.

Support your associations.
Support your profession.
Thank you for your time and your commitment to your patients' health and well-being.

Continue reading the rest of the newsletter to find out what legislation is being proposed!

Yours in health,
Dan Roode, DC



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Details on Pg 4**

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FCA Updates on Legislation

Time flies as we are past the first quarter of this year and three weeks in Florida’s legislative session. State lawmakers are constitutionally bound to complete only one task during their annual session each year: Passage of a balanced budget to fund state government spending for the next fiscal year. This week both the House and Senate appropriations subcommittees will begin the process of developing their separate budget proposals.

Committee work last week, the second of legislators’ annual nine-week session, saw action on a wide variety of health care proposals including the first public hearing of a bill proposing to repeal and replace Florida’s No-fault/PIP insurance requirement. A Senate committee gave its nod of approval to a bill (SB 1052) introduced by Sen. Tom Lee (R-Brandon), one of five different proposals addressing PIP repeal or reform filed for possible consideration this session, all of which are opposed in their current form by FCA. Sen. Lee chairs the committee which passed his bill. FCA

was the lone provider association testifying against it. (See below for a more detailed strategy and analysis.)

Healthcare regulations, costs and reforms, all key priorities of new Florida House Speaker Jose Oliva (R-Hialeah) are likely to dominate the Legislature’s agenda in the coming weeks. Following is a more detailed analysis of the bills and issues of primary interest to the profession which saw action last week.

Non-Opioid Alternatives – As amended on March 4th, CS/HB 451 by Rep. Scott Plakon (R-Longwood) requires the Department of Health to develop and publish on its website an educational pamphlet regarding the use of non-opioid alternatives. Before prescribing opioid therapy, a physician is required to inform the patient about and discuss the advantages and disadvantages of non-opioid alternatives including physical therapy, occupational therapy or any other appropriate therapy, provide a copy of the department’s

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The Audible Release provides news and information that is both educational and informative to the chiropractors and their associates in the Pinellas County area.

Society news, staff changes, personal announcements, photos and success stories are welcome. Articles about chiropractic procedures and issues concerning the practice of chiropractic should be submitted to the editor. Advertising inquires should be made to the publisher or visit us online at www.pccschiro.org

The deadline for ads and articles is the 7th of every month.

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Calendar of Events

March

- 12** 12:30pm Board of Directors Meeting
Location: **The Crafted Plate**
- 26** 6:30pm: General Meeting
Location: **The Crafted Plate**
(located inside the St Petersburg Marriott)
Speaker: Terry Sandman, D.C.,D.A.C.B.R.
with Diagnostic Imaging Consultants
Topic: Diagnostic Imaging: Fun and Interesting Cases

April

- 9** 12:30pm Board of Directors Meeting
Location: **The Crafted Plate**
- 30** 6:30pm: General Meeting
Location: National University of Health Sciences
Whole Health Center - Pinellas Park
6630 78th Ave. N.
Pinellas Park, FL 33781
Topic: Open House
Student Presentations & Case Studies

May

- 14** 12:30pm Board of Directors Meeting
Location: **The Crafted Plate**
- 28** 6:30pm: General Meeting
Location: **The Crafted Plate**
(located inside the St Petersburg Marriott)
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THE RADIOLOGIST'S VIEW

THAT ACCIDENT SAVED MY LIFE



Consider the following cases:

1. A 60 year old woman presents with severe low back and sacral pain. Plain film x-rays revealed no evidence of fracture and mild degenerative disc disease. The patient had no improvement after two weeks of therapy. An MRI later reveals metastatic disease in the lumbar spine and sacrum with pronounced abdominal lymphadenopathy.
2. Complaining of neck pain and left arm pain, a 45 year old female seeks care at a local health care facility. X-rays were interpreted as normal but an MRI, performed some 3 weeks later, demonstrated a mass in the thyroid that was later shown to be malignant.

3. A male, 40 years old, presents to the doctor with low and middle back pain. Following two months of therapy that resulted in minimal improvement, an MRI shows a possible malignant mass in the posterior arch of L1.

4. In two other cases a lung tumor is found on plain film images of the cervical spine in one patient and in the other case a spinal cord tumor is found.

These cases have two things in common. Firstly, the more significant finding is unexpected and secondly (not mentioned in the scenario), in each of these cases the patient sought treatment for injuries sustained in a motor vehicle incident. It is safe to say that the accident may have saved the victims life or at least led to earlier therapy. If a patient is evaluated without prejudice, the chance of an unexpected findings is diminished. However, it is my experience that, in some cases, this is not the approach taken with the post MVA patient and may have

Cont On Pg 8

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FCA Updates on Legislation

pamphlet and document in the patient record the non-opioid alternatives considered. Sen. Keith Perry (R-Gainesville) filed a similar bill in the Senate which has yet to be considered in a committee. On March 14th, the FCA working together with other health care provider associations successfully lobbied an amendment to CS/HB 451 to include chiropractic treatment, acupuncture and massage therapy to the list of alternative non-opioid treatment to be considered. The bill is now on the House Calendar for full House consideration.

Direct Primary Care - (HB 007) (Duggan) & SB 1520 by Sen. Aaron Bean (R-Jacksonville): The bills change the term "Direct Primary Provider" (which includes DCs) to "health care provider" to allow specialist physicians as well as primary care providers to enter into cash arrangements with employers, groups or individuals. HB 7 passed its last House committee on March 14 and was placed on the House Calendar for full House consideration. SB 1520 is scheduled to be considered on March 18th by its first Senate committee of reference.

Repeal of Registered Chiropractic Assistant statute – HB 7031 by the House Health Quality Subcommittee and SB 188 by Sen. Gayle Harrell (R-Stuart) propose repeal of the statute authorizing chiropractic employees to voluntarily register as a registered chiropractic assistant. This is part of a move to repeal regulatory statutes that are not considered absolutely necessary or mandated. HB 7031 passed its second committee of reference on March 14. SB 188 has passed all Senate committees of reference and is ready now for full Senate consideration.

VA Out-of-State Treating Physicians in Florida - HB 885 filed by Rep. Cary Pigman (R-Sebring) & SB 1620 by Sen. George Gainer (R-Panama City) would exempt from Florida licensure health care providers employed by the VA providing services to veterans in Florida that is not in a public hospital or other public health care facility. HB 885 passed its last House committee of reference on March 12th after it was rewritten to limit its application to allopaths and osteopaths working in hospital settings. The bill is now on the House Calendar

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THE RADIOLOGIST'S VIEW (Cont From Pg 6)

contributed to the findings in the above cases having been unexpected.

One of my mentors constantly reminded me that "patients are entitled to more than one disease". In cases of trauma, the examining physician can become hyper focused on seeking to find a site of injury to explain the patient's presentation and myopic relative to non-traumatic causes and previous history. In reality, a person may suffer an injury and have a preexisting condition which is equally or more significant. In the first case noted above, the patient had a history of breast carcinoma. The possibility of metastasis always needs to be considered as a cause of pain regardless of the trauma history. In the second case, review of the x-rays revealed deviation of the tracheal air shadow, a sign of a possible thyroid mass. The thyroid mass should have been palpated on physical exam and should not have been an unexpected finding on an MRI. The patient with the spinal cord tumor and the patient with the posterior arch tumor both had a history of persistent and increasing low back pain prior to the accident. The patient with the lung lesion had noted a persistent cough on his intake forms.

It turns out that the unexpected finding can be equally unexpected to the reading radiologist if the supporting information (clinical history and diagnosis) does not include sufficient information. For example, the radiologist was not aware that the patient with

metastatic disease had a history of breast cancer or the patient with a neck mass had a palpable thyroid lesion. There was no mention of a cough in the patient with a lung tumor, nor was there a submitted history of persistent low back pain in the patient with the spinal cord tumor or the patient with the posterior arch tumor. Was that because the referring physician was not aware of those facts? Since the cases were trauma related, is it possible that the doctor overlooked those findings? Did the patient fail to give an accurate and complete history? Can it be, that in some cases, the significance of a prior history of pain is overlooked or diminished so as not to disrupt the legal outcome?

Patients presenting with a recent history of trauma may have an injury but may also have a preexisting condition or a history that can explain their clinical presentation. That condition may have gone unnoticed or the diagnosis delayed if not for an injury. They are entitled to have both and lucky at the same time.

Terry D. Sandman, DC, MPH, DACBR
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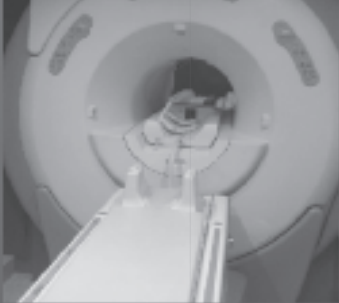
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FCA Updates on Legislation

for full House consideration. The bill does not currently include DCs, however the FCA lobby team is working with the sponsor to amend the bill to include DCs as DCs are currently providing services to veterans within the VA.

Patient Records Release – HB 1035 by Rep. Bob Rommel (R-Naples) requires health care providers to furnish records upon request by a patient within 10 days in either a paper or electronic format as requested by the patient. The patient may not be charged more than \$2 for electronic records, \$1 per page for the first 25 paper copies and 25 cents per page for each paper copy beyond the first 25 pages, and the actual cost of copying an X-ray. The records must be provided in the format requested. A health care practitioner’s license may be fined, reprimanded, suspended or revoked for failure to timely furnish requested patient records or charge more than is allowed. On March 12th, HB 1035 passed its first House committee of reference without amendments.

Medical Malpractice - PCB CJS 1902 – This Bill is a significant reversal of Florida’s current medical malpractice laws. The passed last week 9 to 6, reverses the Florida Supreme Court’s decisions on non-economic damages caps in medical malpractice actions: Estate of McCall v. United States, 134 So.3d 894 (Fla. 2014), and North Broward Hospital District v. Kalitan, 219 So.3d 49 (Fla. 2017). The bill reenacts the law placing caps on noneconomic damages in medical negligence actions and creates a “Communication Resolution Program” whereby the health care provider can directly negotiate and settle with the patient for the adverse incident. The bill also allows the doctor to obtain all medical records of the patient, without notice to the patient, and allows the doctor to speak with prior treating doctors and to investigate the claim him/herself, precluding court intervention through this process. The bill limits the amount of damages a plaintiff can request in medical malpractice actions involving liens or subrogation claims by certain payors

Motor Vehicle Insurance – Last Wednesday the Senate

Infrastructure and Security Committee voted unanimously to approve Senate Bill 1052 by Sen. Tom Lee (R-Brandon). SB 1052, as amended, proposes to repeal Florida’s decades-old no-fault auto insurance system, replacing it with a new at-fault system requiring drivers carry mandatory bodily injury and property damage coverage. The bill carries \$25/50K in mandatory BI limits and optional medical payments coverage of either \$5,000 or \$10,000, with the first \$5,000 being reserved for hospitals and ER physicians. The bill’s next stop is Senate Banking & Insurance.

The companion bill in the House, HB 733 (by Grall), has not yet been set for hearing. HB 733 is nearly identical to SB 1052, but it does not contain any provision requiring Medical Payments coverage.

Please don’t forget your CEU’s at the FCA’s

Conventions 2019 Events

Event Location	Date
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Northeast Regional Convention & Expo	
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St. Augustine, FL	March 21-24th
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Northwest Regional Convention & Expo	
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Panama City Beach, FL	April 11-14th
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Southeast Regional Convention & Expo	
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Miami, FL	June 20-23rd
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The National by FCA	
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Orlando, FL	August 22-25th
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Naples, FL	October 31-November 3rd
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