



Virginia Orthopaedic Society

Volume No. 4

Summer 2004

President's Message

Dear Fellow VOS members:

The 57th Annual Meeting of the Virginia Orthopaedic Society at the Norfolk Waterside Marriott was a huge success. I want to express our thanks once again to our Past President, John Schaffer, M.D., his program chairman, Brick Campbell, M.D., and the staff at Ruggles Service Corporation for a great meeting. Dr. James Herndon, Immediate Past President of the AAOS, spoke to our membership about the Academy's Protect Access to Care and Treatment (PACT) campaign for meaningful federal medi-

cal liability reforms. Tool kits and additional resources to help our members educate and involve their patients in solving the medical liability crisis are available online at www.pactproject.org.

If you have not already done so, please send a corporate or personal check to the Medical Liability Reform Campaign, AAOS, 6300 North River Road, Rosemont, IL 60018 to support this crucial campaign.

On the state and local level we must continue to fight for liability insurance and health insurance reforms. In an effort to better serve our members needs we will be sending out a brief survey pertaining to the utilization of in-office ancillary services, liability insurance costs and what insurance company hassles our members and their staff continue to experience. The Board of the VOS has also decided to form a political action committee "Ortho-PAC" to help support our legislative agenda.

Paramount to the success of this initiative it is essential that all of our members participate in our new "Adopt a Legislator Program". Please go to our web site www.vos.org and click on the *legislative action* tab. Under the heading, *local resources*, click on, *find your representative in the General Assembly*. Enter your address information to identify your state Delegate and Senator and their contact information.

If you don't already know them on a personal basis, please send them a letter of intro-



Eric J. Guidi, MD

duction on your letterhead and ask to meet face to face to convey your concerns regarding your ability to continue to deliver quality musculoskeletal care to your patients and their constituents. Get to know them and invite them to shadow you in the office. If they know who we are, and what we do, we can call on them for their legislative support in the future.

Please send the VOS a copy of the letter you send to your legislator. You can reach the VOS by mail, email or by FAX. This contact information is available on our website at www.vos.org under "Contact Us".

Get involved. It's your future and you can make a difference.

Eric J. Guidi, MD
VOS President



Welcome New Members

Joseph E. Alhadeff, MD, *Roanoke*
Nigel M. Azer, MD, *Charlottesville*
Thomas G. Bergfield, MD, *Suffolk*
John T. Biddulph, MD, *Fredericksburg*
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Richard J. de Asla, MD, *Arlington*
Michael J. Devine, MD, *Charlottesville*
James Dowd, MD, *Virginia Beach*
John R. Edwards, MD, *Roanoke*
David G. Goss, MD, *Chesapeake*
Phillip S. Harry, MD, *Fredericksburg*
Louis C.M. Jordan, MD, *Virginia Beach*
Colleen A. Kennedy, MD, *Annandale*
Colin M. Kingston, MD, *Hampton*
Christopher A. Kurtz, MD, *Chesapeake*
Cato T. Lawrencin, MD, *Earlsville*
Michael S. Manderson, MD, *Newport News*
Aaron Marlow, MD, *Suffolk*
James A. McCoig, MD, *Low Moor*
Nicholas A. Midis, MD, *Virginia Beach*
Jeffrey D. Moore, MD, *Williamsburg*
Danny A. Mullins, MD, *Norton*
David J. Novak, MD, *Roanoke*
Jack F. Otteni, MD, *Staunton*
Tushar C. Patel, MD, *Herndon*
Matthew E. Pollard, MD, *Richmond*
Craig A. Reigel, MD, *Culpeper*
Mark A. Rowley, MD, *Leesburg*
Christopher I. Shaffrey, MD, *Charlottesville*
William P. Silver, MD, *Virginia Beach*
Julious P. Smith, III, MD, *Richmond*
Jed S. Vanichkachorn, MD, *South Hill*
Michael W. Wolfe, MD, *Salem*
Shannon M. Wolfe, MD, *Glen Allen*
Eric J. Yue, MD, *Roanoke*
Robert D. Zura, MD, *Fredericksburg*

2004 General Assembly Session

Extended for Budget Battle;

VOS and Organized Medicine Have Successes

The 2004 General Assembly session was 55 days longer than planned as the House and Senate battled over a new budget for the upcoming biennium. Ultimately, they passed a \$59 billion dollar budget including 1.4 billion in tax increases. The heated session further split the Republican Party between stanch no-taxers and the maverick centrists, who sided with the moderate Senate to find a compromise. Governor Warner approved the proposal and the General Assembly finalized the process on June 16 by approving most of the Governor's amendments. Insiders expect that the effects of this session will be felt over the next several election cycles as con-

servative Republicans challenge the moderate Republican incumbents in primary battles.

Organized Medicine Pushes Tort Reform Measures

Led by the Medical Society of Virginia (MSV), physicians supported the following tort reform bills. The highlight of these efforts was the "White Coat Day" rally which brought 2,500 physicians to Capitol Square on February 4.

HB 1127 (McDonnell, R-Virginia Beach); Venue; civil actions involving personal injury or

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wrongful death. Restricts plaintiffs' ability to shop for favorable juries.

HB 624 (O'Bannon, MD, R-Henrico); Civil Actions; dismissal of action by nonsuit, assessment of costs. Provides that if a plaintiff takes a non-suit less than seven days before trial, the defendant can ask the judge to award the cost of expert witness fees that could not be avoided.

SB 385 (Norment, R-James City); Medical malpractice; privileged communications of peer review entities. The bill extends similar legal protections afforded hospital peer review and quality assurance activities to the in-office setting. The protection does not attach to oral statements made within 24 hours after an incident. And, as a result of VOS efforts, office quality review activities will not be discoverable in a lawsuit unless good cause can be shown to remove the protection.

SB 601 (Newman, R-Lynchburg); Medical Malpractice; limitation on awards. The original \$250,000 non-economic cap instead creates a safety net for accessibility to insurance. Physicians and hospitals can qualify to purchase coverage through the state Division of Risk Management. The bill also authorizes a study that will keep medical malpractice reform in the forefront.

SB 160 (Potts, R-Winchester); Physician-patient relationships; on-call physicians. SB 160 clarifies when a physician-patient relationship ends after treatment in the on-call setting of an emergency department.

Managed Care Reform and Fair Business Practices

HB 322 (Griffith, R-Salem); Health insurance carriers; fair business practices; retroactive denials. Requires insurers to supply claim specific information for all retraction requests and denials and requires written explanation of why the retraction or denial is sought.

HB 565 (Albo, R-Springfield); Health care provider professional services; civil recovery of payment for services rendered. Strengthens physicians' ability to collect penalties if patients get paid by the insurer and do not pay for services rendered.

SB 105 (Williams, R-Newport News); Assignment of Benefits. This bill was tabled by the patron but would have required insurers to honor assignment of benefits by patients to non-participating physicians. The managed care industry vehemently opposed this legislation, claiming it would destroy their ability to form networks.

Scope of Practice Issues

Society leadership negotiated an acceptable change to the definition of podiatric surgery. HB 406 (Welch, R-Virginia Beach) limits amputations to the proximal transmetatarsal. The agreement not to oppose this limit was based on widespread feedback from VOS members.

Concerned for patient safety, VOS was instrumental in carrying over HB 602 (Dudley, R-Rocky Mount) which would have allowed podiatrists performing surgery to direct and supervise certified registered nurse anesthetists.

VOS Hosts Hugely Successful Annual Legislative Reception

Due to a focused effort to encourage physician and legislator attendance, VOS members enjoyed an evening socializing with colleagues and discussing important medical policy issues with legislators. The reception was held on January 21 in the beautiful SunTrust Executive Suite overlooking the James River. Thanks to those members who attended and made this important advocacy event VOS' most successful to date.

VOS Advocacy Efforts for 2004-05

The Society will be involved in shaping new legislation in the 2005 General Assembly. Priority issues will include fair insurance and reimbursement practices, continued tort reform, maintaining high quality of care by defending against inappropriate scope of practice expansions, and patient safety awareness. As always, VOS leadership and lobbyists will monitor hundreds of bills and regulations that impact your practice and your patients.

In May, the VOS Board authorized formation of Ortho-PAC, the first ever Political Action Committee (PAC) for your profession. Ortho-PAC will raise money from Virginia orthopaedists to fund General Assembly and statewide candidates having positions that promote better orthopaedic healthcare delivery. The decision to form Ortho-PAC demonstrates proactive recognition that success in a crowded field of public interests requires increased access to the elected officials who make decisions on health care policies. Stay tuned for details on Ortho-PAC's official kick-off.

Please contact me if you have questions or would like additional information on VOS advocacy efforts. We are developing a full and aggressive legislative agenda for 2005. I can be reached at (804) 644-4424 or cwhitehead@whiteheadconsulting.net.

Cal Whitehead
VOS Government Relations Director

Visit www.vos.org to read:

An Overview of the Certificate of Public Need Process in Virginia

Virginia Orthopaedic Society 2004 Annual Meeting Review

Norfolk, Virginia • May 14-16

Let me first say: it doesn't get any better than that. The meeting was good, too, but, man, how about that weather?! For the 85 or so VOS members and guests that were aboard for our American Rover cruise in the Norfolk Harbor, congratulations. It was a rare treat to go under sail like that and we can all thank immediate past-President John Schaffer for that inspiration. A very nice meeting bracketed our boat ride – I will provide some of the highlights.



We had excellent studies presented in all four scientific sessions; if you arrived late you missed the two award winning papers which both happened to come from the Sports-Knee category. The best clinical study award was given to Dr. Gregory Lee for "Outcomes after Meniscal Repair Using the Meniscal Arrow in Knees Undergoing Concurrent Anterior Cruciate Ligament Reconstruction: Analysis of Durability of Repair." Dr. Edward Lambert took home the award for best basic science presentation for his beautifully designed study: "The Effect of Intraarticular Methadone on Post-Operative Pain Following ACL Reconstruction".

Our featured speakers did an excellent job bringing their topics into focus for our audience.

Dr. Trafton's tibia fracture treatment talk was very informative as was his overview of the national orthopaedic trauma scene. Anyone who is on ortho call for his or her local hospital certainly acquired some benefit from those presentations. Friday night's dinner and a show, graciously supported by both DePuy Orthopaedics and Stryker Orthopaedics, featured Dr. William Hozak, from the Rothman Institute in Philadelphia. He schooled us in the realities of MIS surgery of the hip. Our Sunday featured speaker, Dr. James Herndon, immediate past president of AAOS, held an open forum on the recent AAOS activities and addressed the flip side of the malpractice issue: patient safety.

The symposia were aimed at practice management/enhancement, and, I believe, struck the mark. Dr. Vic Goradia led the way with office coding and use of templates. Ms. Teri Gatchel (of Karen Zupko and Associates) segued nicely with a presentation on knee arthroscopy coding while we dined on a most excellent luncheon! Our thanks to Pfizer for helping us make that happen. Hopefully, we can arrange more coding installments in the future. Sunday followed with a panel of Dr. Chris Young, Dr. Dave Romness,



Drs. Eric J. Guidi, VOS President; Robert P. Nirschl, Paul N. Krop, Councilors, AAOS; James Herndon, AAOS Immediate Past President; R. Brick Campbell, Program Chair; John J. Schaffer, VOS Past President

and Dr. Chip Trieshmann sharing their experiences in the, sometimes cruel, world of ancillary services (PT, MRI, outpatient surgery centers) from different regions of Virginia. Philip Sprinkle, Esq., a local medical-legal expert added his sage advice regarding Stark updates, etc., to this discussion.

Finally, on behalf of Dr. Schaffer and myself, I would like to thank all the physicians, health care providers, guests, and passer-byes for coming and making the inaugural Norfolk VOS meeting such a rousing success.

R. Brick Campbell, MD
Program Chair

We wish to give special thanks to our corporate sponsors who supported the 2004 Annual Meeting

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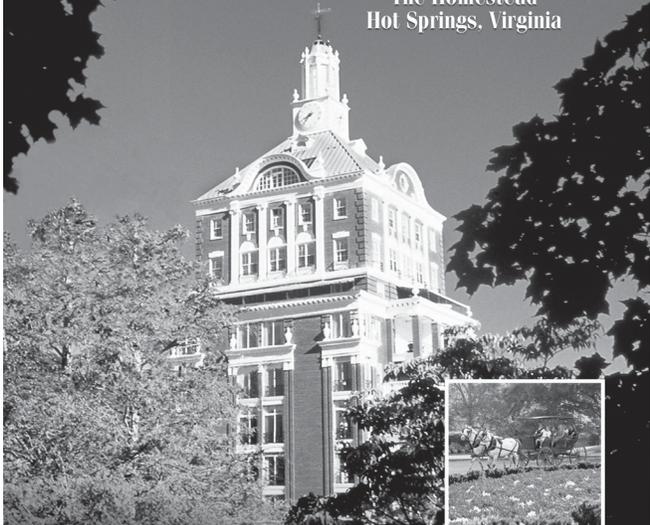
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Virginia Orthopaedic Society
2005 Annual Meeting
 May 13-15, 2005
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Virginia Orthopaedic Society
 P.O. Box 11086 • 2209 Dickens Road • Richmond, VA 23230-1086
 Phone (804) 282-0063 • Fax (804) 282-0090 • vos@societyhq.com www.vos.org

Save the Date!



**VOS 2005
 Annual Meeting**

May 13-15, 2005

The Homestead
 Hot Springs, VA

**2004 Annual Meeting
 Photos are at www.vos.org**

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