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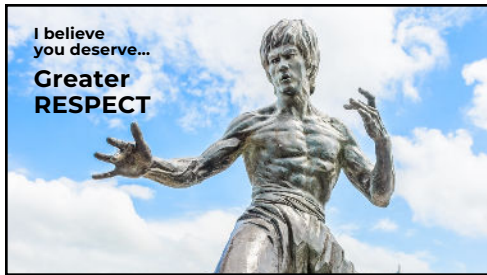
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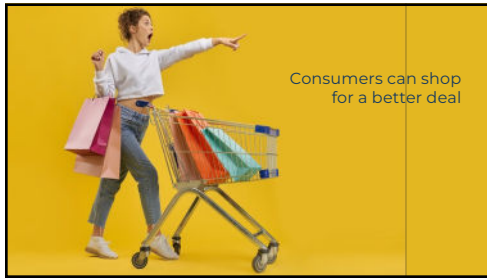
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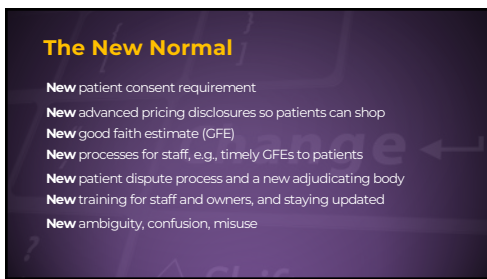
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16

CMS Taking the Government Lead

CMS Federal Online NSA Portal:
cms.gov/nosurprises

CMS NSA Help Desk:
 800-985-3059

CMS NSA Email:
Providers_enforcement@cms.hhs.gov

17

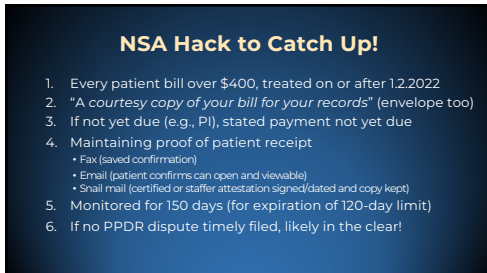
10 Keys to the NSA Kingdom

1. The NSA **applies to you** and your patients
2. Keep in mind the NSA's **"spirit and intent"**
3. Provide **prominent notice** of the GFE right
4. Provide **timely, compliant GFEs** for recurring services up to 1 year
5. Provide **updated GFE** when estimate over by \$400+
6. Have the **patient sign** the GFE, updates and actual bills
7. Track dispute eligibility requirements of **\$400 and 120 days**
8. Timely comply with **PPDR process notifications**
9. Adjust your **processes, training** and **keep updated**
10. **Take advantage** of the term care plan opportunity

18



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24

2023 Tort Reform

- No more atty-client privilege on **provider referrals**
- **50.1% at fault** means no recovery
- LOPS must equal **"real" medical costs** (evidentiary only)

Just before the law became effective:
 280,122 cases were filed in March 2023 alone
 126.9% higher than the previous record of May 2021

25

**Tort Reform:
HB 837**


PIP Attorney's Fees
Letters of Protection



26

**LOP DISCLOSURES
"Letter of Protection"**


"LOP": "any arrangement by which a healthcare provider renders treatment in exchange for a promise of payment for the claimant's medical expenses The term includes any such arrangement, regardless of whether referred to as a letter of protection."



27

LOP Provider Disclosures

- As a condition precedent to making a claim for treatment under an LOP, the claimant **MUST** disclose:
- Copy of the LOP
- Itemized billing; must be coded according to CPT and HCPCS
- Identity of health insurance if patient had it.



28

LOP Atty Disclosures

Referral: Whether there was a referral under a LOP. If so

Identity of referral: Identity of person who made the referral


Financial relationship: between a law firm and a medical provider, including

Number of referrals:

Frequency:

Financial benefit: obtained

"relevant to the issue of the bias of a testifying medical provider"



29

HB 837 Impact

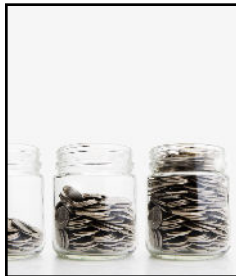
Little accountability: effectively removing the ability for the insurer to get sued

IME Cut-Offs: Increased

Reductions: Increased CPT code denials

Delays: Longer delays for payment because your patient's claim is "under investigation"

30



What to DO


DO: Continue to send PIP Demand letters. PLEASE SAVE copies of letters that go unpaid. Keep track of \$\$ denied if you can. We will need it later!

DO: Consult a PIP lawyer if he/she wants to continue taking PIP claims

DO: Contribute to the FCA PAC – Build the War Chest

- PIP Repeal
- Lien Law

31



Michael's Suggestions:

1. Vet comparative liability
2. Evaluate if LOP a "must"
3. Consider patient non-PI financial agreement
4. Create full bill pay intent examples
5. Grow PI through patients and peers

32



The Good
(NPI)

The Bad
(No-PI/No-Lit)

The Ugly
(Pre-Protocol Lit)

33



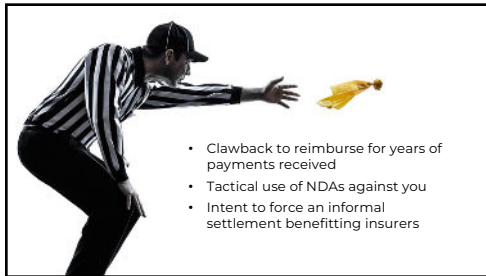
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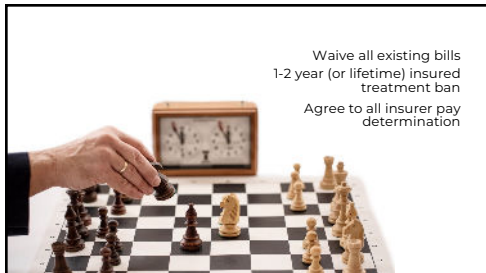
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38

PROTECT
Against Pre-Determined Protocol Litigation

1. **Documenting Uniqueness:** they keystone
stop cutting and pasting (SOAP notes)
2. **Diagnostics:** when medically necessary and document all
document the affect on diagnosis/treatment (if any)
updating as treatment progresses
3. **Treatment:** updating treatment plan (& GFE updates)
4. **Billings:** careful on similarity (same DOI, across patient mix)
careful on creativity

39

PROTECT
Against Pre-Determined Protocol Litigation

- 5. **Peer Referrals:** when medically indicated
careful on frequency, provide choices (diversity)
- 6. **Attorney Directing Care:** never allow, and reply in writing if done
- 7. **Texts & Emails:** careful with attorneys and patients, and by staff
- 8. **Patient Education:** THEY understand procedures and naming
- 9. **Talk to Your Malpractice Insurer:** even if only cover pre-litigation

40



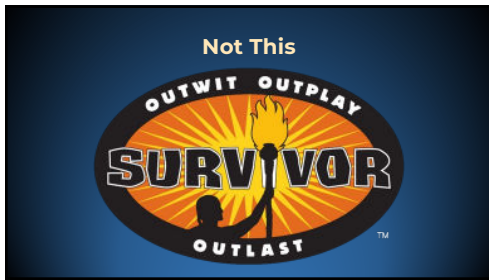
Take your medicine!
It may not taste good, but
it can keep your business
from getting sick.

41



Where does your
practice stand?

42



43



44



45



Gain: **More** Knowledge
Gain: **More** Strategies
Gain: **More** Tactics
Gain: **More** Tools
Gain: **More** Profits

Take the next step

michael@pimadeasy.com
310-651-6391

Better. Faster. Easier.
Learn More. Help is Here.



46
