



FLORIDA SOCIETY OF CLINICAL ONCOLOGY FAX BLAST –July 30, 2009

FLASCO WEBSITE: www.flasco.org

FLASCO CLINICAL TRIALS NETWORK WEBSITE: www.fctn.org

MESSAGE FROM THE PRESIDENT: Gerald Robbins, MD

Gerald Robbins, MD, FLASCO President, along with Thomas Marsland, MD, FLASCO CAC Member and Dorothy Green Phillips, FLASCO Executive Director, recently participated in the Annual ASCO/ASH CAC Meeting. There were some important points discussed at this meeting that he would like to share with the FLASCO membership. They are as follows:

- Very thorough presentation on CMS, MAC's and RAC's. Several Medical Directors there to answer questions from the "other side."
 - MAC gets a re-bid every 5 years with award determined by Congress, so representatives are a more important contact during this time, as opposed to CMS.
 - Since MAC process started, there is less staff available to answer questions from most MAC intermediaries, but they also may be getting fewer questions. There is less staff to process LCDs despite their importance going forward.
 - It's important to get LCDs determined proactively, since RAC is subbed out and will go by LCD.
 - RAC audits need to be ok'd by CMS
 - Florida/Puerto Rico RAC: Connolly Consulting
 - Contact Information: Amy Reese@CMS.hhs.gov
 - On appeals, 30 day to halt recoupment, and 120 days time limit
- Health care reform is still up in the air. There was a representative from an admitted left-wing think tank who gave a presentation on the rationale of their proposals, but they were not able to present a clear vision on what everything would look like. It is important over the next few weeks to stay informed with FLASCO, COA, ASH and ASCO to see what you can do to help structure the coming changes.
- Presentation on Hospice history and trends. There is concern regarding increased number of for profit hospices, increased length of stay and increased non-cancer diagnosis for hospice (especially dementia and cardiac disease). There will be increased documentation requirements in the future.

LEGISLATIVE UPDATE: Erin Dunbar, MD, Chairman, Scott Tetreault, MD, Vice Chairman

FLASCO urges you to play an active role in the current federal legislative session. As a society, FLASCO has written letters of support for the following pieces of legislation:

- **H.R.2939: Oncology Care Quality Improvement Act of 2009**
- **H.R.1392 / S.1221: Prompt Pay Legislation**
- **Capps, Griffith, Myrick and Rogers Letter to CMS**

For information on how you can support the above legislative activity, please contact the FLASCO office. We have template letters available for your use.

WASHINGTON UPDATE – Thomas Marsland, MD, FLASCO CAC Member

Last week, Dr. Marsland had the opportunity to discuss the major legislative activity going on in Washington, DC with Joseph Bailes, MD (ASCO). Here are the major points:

- Oncology organizations are all working together for a change ASCO. COA and USON are on the same page for a change....
- Global health plan still getting all the attention....
 - House bill includes a “public” plan supported by the House Democrats, President, and Senator Kennedy, reported payment based on Medicare +5%
 - Oncology organizations feel that is not workable for cancer care.
 - Key issues are financing all this....
 - Options increase taxes... not popular...
 - CBO says no cost saving in spite of what President is saying but Democrats in house are saying bill has \$500 billion in savings.....they are not specifying but would leave to CMS to “find” the savings....
 - Right now there are 55 “Blue dog” Democrats..... They need at least 22 of them to pass..... Obviously, they are going to be getting a lot of pressure from the President and Dem leadership.
 - Senate – There is no ONE bill per se.... several being floated.... Even if house bill passed would still need to go to conference with senate so who knows what final product would look like.....
 - They want to hold total cost to under a Trillion....
 - Couple of specifics..... none of specialty organizations like the “accountable organization” demo being floated (bundling with pay hospitals and then they pay us yeah right...)
- Spore Bill - that is the repeal of the group practice exemption to Stark pushed by Rep Spore from California (related to a radiologist...) but pushed by Radiology Society... (surprise!!!)
 - unlikely to pass
 - points to make if you want to respond:
 - That practices have to meet the same standards as diagnostic centers... we have radiologist doing the interpretations...
- Uninsured cancer patient bill granting them Medicare coverage probably not going anywhere - lost in the global healthcare issues.....
- There is a good chance prompt pay discount would be included in global health care bill....
- Also, the Capps treatment plan bill has some support....
- Davis Bill probably but may need some language changes
- Crowley bill unlikely

CLINICAL PRACTICE COMMITTEE UPDATES (Thomas Gaddis, MD, Chairman):

There have been several questions regarding Procrit denials to First Coast Service Options (FCSO). The following information on this situation was provided by medical policy at FCSO:

Problem: Claims being denied when billing for procrit for CKD patients with diagnosis 285.21 & 585.-- and EC modifier. (patients not on chemo. etc.)

Solution: FCSO stated there was a system error which came about when changing edits etc. The problem was found immediately and corrected HOWEVER, claims did go thru the system and incorrectly denied. There will be a mass adjustment sometime after 8/14/2009. After a discovery of a system error the carrier has to wait one month to allow all claims involved to process. Then all claims can be identified for reprocessing.

IF YOU DO NOT WISH TO WAIT FOR THE MASS ADJUSTMENT, YOU MAY REBILL YOUR CLAIMS. PLEASE MAKE CERTAIN YOU ALLOW APPROPRIATE TIME TO HAVE ELAPSED BEFORE REBILLING INORDER TO AVOID A DUPLICATE CLAIM DENIAL.

Problem: Claims being denied when patient is receiving chemotherapy and procrit is given during the same DOS for CKD. Detail line for the procrit contains the EC modifier along with the dual diagnosis of 285.21 & 585.-- This issue involves coverage guidelines per the NCD and cannot be overridden by our carrier, FCSO.

Background

CMS guidelines after July 30, 2007 followed concerns derived from clinical trials showing adverse occurrences when administration of an ESA for chemotherapy induced anemia exceeds a specific hemoglobin level (10.0). Black box warnings were issued etc. There is a difference in the hgb./hct levels for chemo. induced anemia and CKD (allowances slightly higher ^12hgb.)

Upon review in the appeals process (thru Q2 Administrator) the denials were upheld. Following is a statement from such an appeal. "The beneficiary's procedure was coded as J0885 EC, where the modifier indicates the epoetin is being used to treat the anemia of chronic kidney disease, rather than anemia secondary to chemotherapy. Although documentation supports that the patient had both conditions, the guidelines for chemotherapy-induced anemia are more stringent due to the additional risks posed by the underlying cancer . We therefore reviewed both guidelines and found that we must apply the STRICTER RULE."

This situation might not be widespread however, concerns for patient outcomes is very apparent in the overall tone of the letters. For those patients receiving both chemotherapy as well as an ESA, administration cannot be provided on the same day.

PROGRAM COMMITTEE UPDATES:

FLASCO will be holding its 1st Annual Business of Oncology Summit on October 3, 2009, in Tampa. FLASCO has partnered with Abraxis BioScience to hold this very exciting and timely conference. Topics that will be presented by expert speakers are as follows: Financial Planning, Managed Care Contract Negotiations, Succession Planning, Clinical Pathway Development and Implementation, Utilizations and Responsibilities of the PA/ARNP, and Strategic Planning: What, Why and How.

JOIN US for this professional forum that explores what cancer care leaders are doing to achieve a future vision of successful cancer care delivery, focusing on innovative business practices, clinical integration, and patient-centric approaches to providing care. For more information on the Business of Oncology Summit or to register, please go online to www.flasco.org. The meeting announcement and registration form are available there.

ASH UPDATES:

The ASH annual State-of-the-Art Symposium is taking place on September 11-12 in Chicago, IL. This year's meeting is focused on advances in hematologic malignancies and platelet disorders. The direct link to the meeting site is <http://hematology.org/meetings/sas/index.cfm>.

ASCO UPDATES:

What You Need to Know About the Impact of the American Recovery and Reinvestment Act (ARRA) on Oncology and Electronic Health Records (EHR) Use

With the signing of the American Recovery and Reinvestment Act (ARRA), allocating approximately \$19 billion towards Electronic Health Record (EHR) adoption, physicians who demonstrate meaningful use of certified EHRs could be eligible for up to \$44,000 in incentives over five years beginning in 2011. Defining the standards for qualified EHRs, as well as the "meaningful use" requirements for physicians using qualified EHRs, will be key to the way these incentives are earned. To qualify, as a "meaningful EHR user" physicians will need to:

- Use a certified EHR product that complies with federal standards for interoperability, or sharing data between electronic systems;
- Use e-prescribing software;

- Use a certified EHR to exchange health information to improve the coordination and quality of care; and
- Use a certified EHR to electronically report on the quality of care.

The Department of Health and Human Services is required to adopt, through the regulatory rule-making process, an initial set of standards, implementation specifications, and certification criteria by December 31, 2009.

ASCO has provided comment on the initial definition of “meaningful use” to highlight the needs of oncology. ASCO is also hosting its 2nd **EHR Symposium: *Harnessing the EHR, From Incentives to Sustainability*, October 6-7 in San Francisco**, to prepare oncologists for these changes in health care, specifically how ARRA and the final “meaningful use” criteria will affect their health care IT plans in the community-based oncology practice. Register now at www.asco.org/ehrsymposium for this important event.

MLN MATTERS UPDATES:

New:

MM6548 – **Changes to the Laboratory National Coverage Determination (NCD) Edit Software for October 2009**
<http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM6548.pdf>

DRUG AND INDUSTRY UPDATES:

Allos Therapeutics, Inc. announced the launch of a new website, www.focusonptcl.com, dedicated to peripheral T-cell lymphoma (PTCL).

MGMA UPDATE:

FTC delays Red Flags Rule enforcement until Nov. 1

The Federal Trade Commission (FTC) has delayed the enforcement date of the Red Flags Rule until Nov. 1. This regulation requires creditors and financial institutions to develop identity theft prevention programs.

Last summer, the FTC announced that it would consider health care providers to be creditors when they accept insurance and bill patients after services are rendered for amounts that insurance does not pay, or if they regularly allow patients to set up payment plans after services have been rendered. It was originally scheduled to begin enforcing the requirement Nov. 1, 2008, but due to concerns expressed by the Medical Group Management Association (MGMA) and others in the health care community, it extended the date to May 1 and then to Aug. 1.

As a result of MGMA’s continued advocacy efforts, the FTC just [announced](#) that it will further delay enforcement until Nov. 1 "to give creditors and financial institutions more time to develop and implement written identity theft prevention programs."

PA/NP UPDATES:

12th Annual APAO Conference

The APAO National Conference is scheduled for September 10-13, 2009, in Boston. The meeting is for MidLevels and Physicians. There will be an ASCO highlights on 9/10/09. You may register on-line at: <http://www.focus-ed.net/apao/>

BUSINESS Q & A: (Source: The Phipps Wealth Management Group)

Q. I am thinking of buying a vacation home and have heard financing is really difficult. What does the landscape look like, please?

A. Doable if your financial profile is acceptable. Be thinking of 35%-50% down payment.

For more information you may contact: 561-276-1635 Direct - 877-276-1635 Toll Free – fax: 561-922-3275 -
 E-mail: jeffrey_phippsr@ml.com - <http://fa.ml.com/PhippsGroup/>

CORPORATE MEMBERSHIP/SPONSORSHIP: (January 1 – December 31, 2009)

FLASCO Members extend a big thanks to all of our 2009 Corporate Members/Sponsors (Companies listed below have either paid 2009 dues or have submitted letters of intent)

PLATINUM

AMGEN
Bayer/Onyx
Cephalon Oncology
Eli Lilly
Oncology Supply/ION
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Roche
Millennium
Allos Therapeutics,
Inc.
ImClone

SILVER

OSI Pharmaceuticals
US Oncology

BRONZE

Genzyme

FLASCO 2009 MEETINGS:

October 3, 2009 – FLASCO Business of Oncology Summit - Tampa

November 6-7, 2009 – FLASCO Fall Meeting – Tampa Airport Marriott Hotel

March 5-6, 2010 – FLASCO Spring Meeting and Annual Session – Tampa Airport Marriott Hotel

OTHER MEETINGS/WEBCASTS

September 10-13, 2009 -

APAO Annual meeting in Boston

September 11-12, 2009 -

ASH State of the Art Symposium – Chicago, IL – For more information:

<http://hematology.org/meetings/sas/index.cfm>.

September 22-25, 2009 -

ACCC's 26th National Oncology Economics Conference - - Hyatt Regency Minneapolis on Nicollet Mall, 1300 Nicollet Mall, Minneapolis, MN 55403 - 612.370.1234

October 6-7, 2009 -

ASCO Electronic Health Records Symposium - Harnessing the EHR: *From Incentives to Sustainability*- San Francisco Marriott Hotel - to register:

www.asco.org/ehrsymposium

Nov 1-5, 2009 -

ASTRO's Annual Meeting – Chicago

November 13 - 15, 2009 -

Oncology Nursing Society Fall (ONS) – Tampa

December 5-8, 2009 -

ASH Annual Meeting – Ernest N. Morial Convention Center, New Orleans, LA – For more information: <http://hematology.org/meetings/2009/index.cfm>

December 10 - 13, 2009 -

San Antonio Breast Cancer Symposium (SABCS) San Antonio, TX

Feb 25-27, 2010 -

American College of Radiation Oncology Annual Meeting – Lake Buena Vista, FL

March 17-20, 2010 -

ACCC's 36th Annual National Meeting - -Baltimore Marriott Waterfront

FLASCO Contact Info:

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