



A POINT OF VIEW



Christopher Lumsdaine, MD
2014 SBCMS President

Physician Drug Testing

Many of you may have heard that the ballot initiative to alter the \$250,000 cap on noneconomic damages, a central provision of what is known as MICRA, is currently being certified. The required signatures have been obtained. The initiative consists of several amendments to the business and professions code which are listed below. Note that a great deal of space is consumed by physician drug testing. "It's the ultimate sweetener," says Jamie Court, the head of Consumer Watchdog, the major proponent of the initiative. The section altering the noneconomic damage cap is comparatively small, and towards the end. If a voter doesn't read it all, they will stop at the drug testing.

We are all very busy in our practices, and have precious little additional time to devote to campaigning. Many of us abhor politics. We all have our financial pressures, and have precious little financial resources to devote to funding a campaign against a ballot initiative. However, this is an initiative that could adversely affect the practice of medicine for decades to come. It will increase costs by hundreds of millions of

dollars, and reduce access to care.

Should you be concerned? Should you devote your time and financial resources to defeat this measure? Decide for yourself.

Should you decide to donate:

CALPAC

1201 J Street, Ste 275

Sacramento, CA 95814-9813

Also, please complete the MICRA commitment card. Don't have a card? Contact SBCMS or you can locate an electronic card at CMAAnet.org/MICRA. Check this site anytime for the most up to date information.

The primary provisions of the "patient safety act" are listed below.

Physician Drug Testing

2350.20. Every health care practitioner shall, and any other person may, report to the Board any information known to him or her which appears to show that any physician may be or has been impaired by drugs or alcohol while on duty, or that any physician who was responsible for the care and treatment of a patient during an adverse event failed to follow the appropriate standard of care. Notwithstanding any other provision of law, any health care practitioner or other person who in good faith makes such a report to the Board shall not be liable under any law of this State for any statement or opinion made in such report.

2350.25.

(a) Upon the effective date of the regulations adopted by the Board to implement this Article, hospitals shall conduct testing for drugs and alcohol on physicians as follows:

(1) On a random basis on physicians who are employees or contractors or who have the privilege to admit patients.

(2) Immediately upon the occurrence of an adverse event on physicians who were responsible for the care and treatment of the patient during the event or who treated the patient or prescribed medication for the patient within 24 hours prior to the event. Testing shall be the responsibility of the physician, who shall make himself or herself available for testing at the hospital as soon as possible, and failure to submit to testing at the hospital within 12 hours after the physician learns of the adverse event may be cause for suspension of the physician's license.

(3) At the direction of the Board following a referral pursuant to section 2350.20 on a physician who is the subject of a referral.

(b) The hospital shall bill the physician for the cost of his or her test and shall not pass on any of the costs of the test to patients or their insurers.

2350.30.

(a) Hospitals shall report any verified positive test results, or the willful failure or refusal of a physician to submit to a test, to

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SAVE THE DATES

August 23 Members & Family Summer Social
Enjoy a Summer Evening at El Capitan Canyon:
BBQ, Bonfire & Concert, 5-9 p.m.

November 22 *New Date & Location:* Annual Dinner & Meeting,
Hotel Corque, Solvang

December 5-7 *New Date & Location:* CMA House of Delegates, San Diego

For additional information on any of these programs, please contact our office.

CMA's Legislative Day a Success

The District V Delegation to Legislative Day included Drs. David Dodson, Chris Lumsdaine and Dante Pieramici from Santa Barbara, Dr. Joe Schwartz from SLO and Drs. Ron Thurston, Colleen Copelan, and Jeff Davies from Ventura. The group was able to meet with State Senators Bill Monning, Hannah-Beth Jackson and Assemblymembers Das Williams and Katcho Achadjian. In addition to meeting with our legislators the conference featured newly elected Speaker Toni Atkins, a panel on MICRA and a press conference on Access to Care Issues on the steps of the State Capitol.

One bill that was actively discussed with all legislators was successfully quashed by CMA (SB 1215, Hernandez). It would have eliminated the in-office exception to the self-referral law for advanced imaging, anatomic pathology, radiation therapy and physical therapy. The bill died in the Senate Business and Professions Committee after receiving just one vote (from the

bill's author). This bill would have been a major blow to the integrated care model, resulting in increased costs as these services would of been driven toward the more expensive hospital setting and inhibit the development of practices that integrate and coordinate care.

In general, physicians are prohibited from referring a patient to another medical professional or facility if the physician or physician's family has a financial interest or receives a referral fee. However, there is an "in-office" exception to this general prohibition that allows referrals to another medical professional that is located within the office of the physician or physician's group practice. This exception allows for greater integrated care and better health comes, as medical resources concentrated at a single facility increases efficiency and allows the physician to supervise the patient throughout all stages of the treatment process.

More Californians Have Access to Prescription Savings

Statewide Prescription Assistance Program Offers a Prescription to High Healthcare Costs

The Centers for Disease Control reports that Americans spend more on prescription drugs than people in any other country: some \$45 billion in out-of-pocket dollars in the last year alone. With that in mind, the California Rx Card is reminding physicians that their patients who aren't insured or who take prescription drugs that aren't covered by their health insurance plans, can use the California Rx Card to obtain discounts of up to 80 percent off the retail price for brand and generic FDA-approved medications.

California Rx Card has been working closely with clinics and hospitals to distribute free discount prescription cards to all Californians so that all residents will have access to this free program. California Rx Card was launched to help the uninsured and under-insured residents afford their prescription medications. The program can also be used by people that have health insurance coverage with no prescription benefits, which is common in many health savings accounts (HSA) and high deductible health plans.

Another unique component of the program is their preferred pharmacy option. California Rx Card has chosen CVS/pharmacy as their preferred pharmacy so that residents who don't have access to a computer and can't obtain a hard card, can visit any CVS/pharmacy to have their prescriptions processed through California Rx Card. Residents can simply reference "California Rx Card" to have their prescription processed through the program. California Rx Card is accepted at over 56,000 participating regional and national pharmacies.

California Rx Card has helped residents save over \$242 million since its inception in October 2007. You can help by encouraging your patients to print a free California Rx Card at www.CaliforniaRxCard.com. California Rx Card is also available as an app for iPhone and Android. You can search "Free Rx iCard" in the app store. Any physicians who are interested in ordering free cards for their clinic/hospital can email Edward Brown, Program Director, at ebrown@californiarxcard.com.



From left, Drs. David Dodson, Dante Pieramici, Jeff Davies, Joe Schwartz, Chris Lumsdaine, and Ron Thurston.



CMA doctors gathered for a press conference on the steps of the California state capital.