In 2013, the Florida Legislature passed a law that directly impacts ophthalmologists who "co-manage" surgical patients with optometrists.

While the new law doesn't prohibit co-management, it does impose specific requirements on ophthalmologists and optometrists who co-manage patients. Strict adherence to the new law will protect both ophthalmologists and patients and clearly demonstrate the medical and ethical standards of your practice.

Protecting You and Your Patients from Abusive Referral Arrangements

- Blanket referral arrangements are not appropriate under the new law. Instead, co-management must be conducted pursuant to a written "patient specific" transfer of care agreement where the ophthalmologist must evaluate and confirm that it isn't "medically necessary" for the ophthalmologist to provide post-operative care to the patient, and that it is "clinically appropriate" for the optometrist to provide such post-operative care.
- The patient must be informed in writing that he or she maintains the right to be seen by the ophthalmologist during the entire post-operative period.
- The patient must be informed of the fees, if any, to be charged by the optometrist and the ophthalmologist.
- The patient must be fully informed of, and consent in writing to, the co-management relationship.

Protecting Your Billing Accuracy

The new law requires billing transparency for any co-managed post-operative care.

- The law obligates the ophthalmologist and the optometrist each to provide the patient with an accurate and comprehensive itemized statement and charge for their respective services.
- To avoid the appearance of an illegal "fee splitting" arrangement, prudence dictates that the ophthalmologist and optometrist each bill and collect for their own respective services rather than the ophthalmologist billing and collecting the total fee and then "splitting" that fee with the co-managing optometrist.

In establishing the appropriate, legal billing protocol for co-managed services, you'll be adhering to Florida’s stringent anti-kickback and patient brokering laws and demonstrating your high standards in all aspects of your practice.

Protecting Your Good Name

The practice of co-management isn’t illegal, but it involves several functions that could be perceived as prohibited fee splitting, patient brokering and kickbacks. Precise co-management protocols that follow the new law will help eliminate this perception and protect you and your practice.

Correct Co-management Puts Your High Standards in Focus.

Conducting co-management the right way eliminates potential legal headaches and expenses, differentiates your practice, and displays to others your high ethical and medical standards.

To obtain more detailed information about this law, Florida’s anti-kickback statutes, and the Florida Board of Medicine’s surgical care rule, visit the FSO website www.mdeye.org. If you’re an FSO member and have general questions regarding the new law please contact Bruce May,
Esq., FSO General Counsel at: **850-425-5607** or **bruce.may@hklaw.com**. If you are not a member of the FSO and have questions, we recommend that you contact your legal advisor or Ophthalmic Mutual Insurance Company (OMIC) if you are insured by that company.

**Accessing the Co-Management Forms**
Visit our website, [www.mdeye.org](http://www.mdeye.org), and scroll down the home page where you’ll find the approved co-management consent forms:
- Patient-Specific Transfer of Care Letter from Surgeon
- Patient Informed Consent to Co-Management of Postoperative Care

**Reporting Violations** *(from the Patient Bill of Rights)*
Filing a complaint will not adversely affect your care or access to care. If you have a complaint against a hospital or ambulatory surgery center, call the Consumer Assistance Unit at 1-888-419-3456 (Press 1 for English or 2 for Spanish) and then press (1) or write to:

**AGENCY FOR HEALTH CARE ADMINISTRATION**
**CONSUMER ASSISTANCE UNIT**
**2727 MAHAN DRIVE / BLDG. 1**
**TALLAHASSEE, FL 32308**

To report suspected errors, fraud or abuse, you can contact either:

**HHS Office of Inspector General**
Call: 800-377-4950  
Online: [https://forms.ogihhs.gov/hotlineoperations](https://forms.ogihhs.gov/hotlineoperations)  
Mail: HHS Tips Hotline  
PO Box 23489  
Washington, DC 20026-3489

**Medicare Fraud Unit Control**
Florida Toll Free Number  
Fraud Hotline: 1-866-966-7226

If you have a complaint against this facility and wish to speak to someone directly, please call during regular business hours and speak to the Administrator at 772-337-5200 Ext. 223 or if concerning a patient privacy issue, ask for the Facility Privacy Official at 772-337-5200. Website for the Medicare Beneficiary Ombudsman [www.cms.hhs.gov/center/ombudsman.asp](http://www.cms.hhs.gov/center/ombudsman.asp) The Center is accredited by the Accreditation Association for Ambulatory Health Care (AAAHC). You may also contact them directly at:

**Accreditation Association for Ambulatory Health Care, Inc.**
**5250 Old Orchard Road, Suite 200**
**Skokie, Illinois 6007**