



## The New Co-Management Law: **Your Practice Reputation Protection**

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](mailto: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.oig.hhs.gov/hotlineoperations>  
Mail: HHS Tips Hotline  
PO Box 23489  
Washington, DC 20026-3489

**OR**

**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**