As the newly elected President of the FSO, it is my distinct honor to be working alongside so many committed professionals. I would like to thank Dr. S. Akbar Hasan for doing a great job during a very busy and productive year. My first few months in this position have been informative to say the least.

The FSO has a very challenging legislative year ahead, and it is my sincere hope that working with all of you, the FSO can again defeat attempts to expand the scope of practice by optometrists that would clearly jeopardize the safety of our patients. A few weeks ago, two bills were filed for the 2010 Legislative Session that, if passed, would allow optometrists to prescribe oral medications for the first time in Florida’s history. Now, more than ever, we need the support of everyone in the medical profession to ensure that we continue to protect the citizens and see that SB 330 and HB 135 are defeated.

You can help the FSO and your patients by contacting your legislators and alerting them to these bills that do not support the best interest of patients by allowing non-MDs to prescribe oral medications. While we are fully aware of the significantly greater risks of using oral medications versus topical, legislators may not understand the differences and need to be informed. Additionally, there is a great deal of misinformation that needs to be addressed. Remember that knowledge of the risks, complications and potentially dangerous interactions cannot simply be obtained by legislative fiat as opposed to years of didactic training and clinical experience.

Once again, we urge you to call your lawmakers. You can find out who your local representatives are at: www.mdeye.org/physician/write.php.

Working closely together with the AAO and the FMA, who have already pledged their full support, we will do our best to keep you apprised of our legislative efforts. Please keep in mind we cannot do this alone and need your support.

See President’s Message on page 7
FSO Planning Ahead for 2010 Legislative Session

By Stephen G. Schwartz, MD, MBA
FSO Legislative Chairman

As we approach the opening of the 2010 legislative session, your FSO is working diligently on behalf of you and your patients. I have two important pieces of information to share with you.

First, the Society has created a new entity called FOCUS, a committee of continuous existence, which replaces OPHPAC. We have elected new officers of FOCUS. We’ve also hired a new administrator for FOCUS: Diane L. Doll of PAC Financial Management in Tallahassee, who brings years of experience, expertise, and knowledge in these important areas. Please join me in welcoming Diane to the FSO family.

Second, we and our patients face an important challenge in the upcoming legislative session. House Bill (HB) 135 and Senate Bill (SB) 330 have been filed in the legislature. These bills would grant optometrists the ability to prescribe certain oral medications, including acetaminophen with codeine, ciprofloxacin, doxycycline, acyclovir, acetazolamide, and several other agents. Your Society is dedicated to protecting patient safety and, on these grounds, vigorously opposes this legislation. We are working with the full cooperation and support of the American Academy of Ophthalmology and the Florida Medical Association to defeat this legislation, but we need your help.

For a variety of reasons, the political climate in Tallahassee appears favorable for passage of HB 135 and SB 330. In fact, we understand that some Florida ophthalmologists are actually supporting these bills! Here is what you can do:

If you are not already a member of the FSO, join today and encourage your colleagues to do likewise.

If you are not already a contributor to FOCUS, we ask you to consider giving up one dinner out per month to defend your patients and your specialty. An automatic credit card deduction of $87 per month, or $1000 per year, will go a long way towards protecting our patients, our profession, and the house of medicine. You do not have to be a member of the FSO to contribute to FOCUS.

Call, write, and email your legislators and explain the situation to them. The FSO has prepared talking points on this legislation and we will be happy to share them with you. You can locate your legislators on our website at www.mdeye.org.

We face an especially challenging legislative session in 2010. However, we are confident that with your support, we can continue to provide the best possible care and safety to the patients we are privileged to serve. Please do not hesitate to contact me directly at sschwartz@mdeye.org if I may help in any way.

FOCUS on Target $50K Drive

The FSO is asking all members to rise to the challenge and contribute $1,000 or $87.00 per month to FOCUS. Please send in your contribution today using the coupon on this page.
Identity theft is a spiraling international problem. While it is often difficult to detect when the identity of a patient is stolen, measures to protect the identity and privacy of all patients continue to evolve globally. One example is the Federal Stimulus Package, which sets forth substantial changes to requirements for the protection of health information privacy and security under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Virtually every medical practice is affected by these latest revisions. Notification requirements of a privacy breach and restriction and accounting of disclosures in the face of increased enforcement measures require that physicians become acquainted with the new regulations and the necessary compliance measures.

Passage of the American Recovery and Reinvestment Act of 2009 (ARRA), often referred to as the “Federal Stimulus Bill”, resulted in myriad HIPAA revisions. These revisions were enacted in response to a number of factors; the evolution of new entities holding personal health information, an absence of privacy breach notification requirements, and a lack of control over business associates – including inadequate enforcement. While the revisions primarily pertain to privacy measures of electronic health records, the existing preemption principles of HIPAA still apply. The Secretary of the Department of Health and Human Services (DHHS) is responsible for enacting HIPAA rules to conform to ARRA provisions. Consequently, additional HIPAA revisions should be anticipated.

The majority of HIPAA revisions apply to “covered entities” (defined as a health plan or payor, a healthcare clearing house, billing service, or any healthcare provider that transmits any healthcare information in electronic form) and their “business associates” (essentially anyone who uses or discloses a patient’s personal health information).
Masters in Ophthalmology 2009 Annual Meeting

The FSO held the Masters in Ophthalmology 2009 Annual Meeting at the Hyatt Regency Coconut Point in Bonita Springs July 10-12. Attendance was excellent with 141 physicians and 38 exhibitors present for the meeting.

The meeting began on Friday morning with the first of many exciting and informative programs, including the AAO CODEquest seminar and the JCAHPO program. The FSO meeting kicked off in the afternoon with three elective courses including a state mandated course on Domestic Violence. Friday evening offered an intimate wine and cheese reception for attendees to relax and mingle with the exhibitors.

Saturday featured lectures presented by Alan Carlson, MD, Stanley Chang, MD and Neil Miller, MD. The scientific program also included two Mel Rubin lectures which were presented by David J. Apple, MD and Manus C. Kraff, MD. Following the scientific program on Saturday a joint session was held for both physicians and office administrators on 40 Ways to Raise Revenue and Cut Costs.

The Saturday evening President’s Dinner and Dance was thoroughly enjoyed by all. Attendees enjoyed a lovely reception prior to dinner and dancing. Back by popular demand, music was provided by Cactus Jack and the Cadillac’s.

The Sunday morning program began with the annual OMIC lecture and concluded with the Subspecialty Symposia breakout sessions that included a vitreoretinal fellowship at the Cullen Eye Institute of the Baylor College of Medicine in Houston, Texas. Dr. Schwartz recently completed an MBA at the Northwestern University's J.L. Kellogg School of Management.

Dr. Schwartz is Associate Professor of Clinical Ophthalmology at Bascom Palmer Eye Institute, University of Miami Miller School of Medicine, and serves as Medical Director of the Bascom Palmer Eye Institute at Naples. Before coming to Florida, Dr. Schwartz served as Assistant Professor of Ophthalmology and Residency Program Director at Virginia Commonwealth University in Richmond, Virginia. Dr. Schwartz also serves as the society’s legislative chair.

Vice President:
Charles B. Slonim, MD
Dr. Slonim is Clinical Professor of Ophthalmology at the University of Florida College of Medicine in Gainesville, Florida. He is a Fellow of the American Society of Ophthalmic Plastic and Reconstructive Surgeons and the American College of Surgeons (FACS). He received an Honor Award from the American Academy of Ophthalmology in 1993.

Dr. Slonim has lectured extensively to physicians throughout the United States and in more than 54 international cities in over 34 countries around the world. He has been published in many ophthalmic journals and textbooks.

Secretary/Treasurer:
Joseph Trentacoste, MD
Dr. Trentacoste received his medical degree from Harvard Medical School and completed an Internship in Internal Medicine at Yale University. He completed his Residency at Bascom Palmer Eye Institute at the University of Miami. He currently practices at the Laservision Eye Care Center in Miami Lakes, Florida.

FSO’s 2009—2010 Slate of Officers

President:
Bradley D. Fouraker, MD
Dr. Fouraker received his Bachelor of Arts degree from Vanderbilt University and his medical degree from the University of Florida. He completed his residency at the Ochsner Foundation and Clinic and his fellowship at the University Of Oklahoma Dean McGee Eye Institute.

Dr. Fouraker specializes in cornea and external diseases and refractive surgery, and is a former longtime assistant professor of ophthalmology at the University of Florida. Dr. Fouraker currently practices at the Brandon Cataract Center and Eye Clinic in Brandon and is also the President of the Tampa Bay Ophthalmology Society.

President Elect:
Stephen G. Schwartz, MD, MBA
Dr. Schwartz received his medical degree and completed his residency in ophthalmology at New York University School of Medicine. He completed a vitreoretinal fellowship at the Cullen Eye Institute of the Baylor College of Medicine in Houston, Texas. Dr. Schwartz recently completed an MBA at the Northwestern University’s J.L. Kellogg School of Management.

Dr. Schwartz is Associate Professor of Clinical Ophthalmology at Bascom Palmer Eye Institute, University of Miami Miller School of Medicine, and serves as Medical Director of the Bascom Palmer Eye Institute at Naples. Before coming to Florida, Dr. Schwartz served as Assistant Professor of Ophthalmology and Residency Program Director at Virginia Commonwealth University in Richmond, Virginia. Dr. Schwartz also serves as the society’s legislative chair.
The annual FSO awards were presented at the 2009 Annual Meeting that was held at the Hyatt Regency Coconut Point in Bonita Springs, July 10-12.

Scott M. Friedman, MD of Lakeland receives John R. Brayton, Jr., MD Leadership Award

The Florida Society of Ophthalmology awarded Scott M. Friedman, MD the John R. Brayton, Jr., M.D. Leadership Award. This award was established in honor of John R. Brayton, Jr., MD and is given annually to a Florida Ophthalmologist to recognize leadership and dedication to preserving the profession of ophthalmology.

Dr. Friedman earned both his Bachelor’s degree and Medical Degree from the University of Missouri-Columbia. After an internship in Internal Medicine from St. Johns Mercy Medical Center, he completed a residency in ophthalmology at the University of Missouri-Columbia and a Fellowship at Northwestern University Medical School in 1988.

Louis Feldgoise, MD of Boynton Beach receives James W. Clower, Jr., MD Community Service Award

The Florida Society of Ophthalmology awarded Louis Feldgoise, MD the James W. Clower, Jr., MD Community Service Award. This award is given to a Florida Ophthalmologist who has made the greatest contribution of time and service to his/her community.

Dr. Feldgoise completed his undergraduate degree from Case Western Reserve in Cleveland, Ohio, and graduated medical school from the University of Pittsburgh School of Medicine. He completed an internship in Internal Medicine at Ohio State University Hospital and his residency in ophthalmology at George Washington University Hospital.

Dr. Feldgoise has dedicated his time to developing an ophthalmology care program for families of migrant workers through the Caridad Center in Boynton Beach. He has been a leader in this effort not only by seeing and taking care of patients, but also reaching out into the community to get other ophthalmologist to volunteer their time, expertise and resources to this effort to serve those that are underserved.

James L. Bolling, MD of Jacksonville receives the Shaler Richardson, MD Service to Medicine Award

The Florida Society of Ophthalmology awarded James L. Bolling, MD the Shaler Richardson, MD Service to Medicine Award. This award is given annually to the Florida Ophthalmologist who has made the greatest personal contribution to quality patient care by coordinating, participating, collaborating, and integrating ophthalmology into the great body of the medical profession on a local, state or national level.

Dr. Bolling earned his medical degree from the University of Kentucky College of Medicine. He completed his internship at the University of Kentucky Affiliated Hospitals in Neurology/Medicine and his residency in ophthalmology at Vanderbilt University Hospital. After completing a Fellowship in Retina-Vitreous at Wills Eye Hospital in Philadelphia, he made his way to Florida where he joined the Mayo Clinic as an Instructor of Ophthalmology. From 1996-2005 he served as the Chair of the Department of Ophthalmology at the Mayo Clinic in Jacksonville and from 2005-2006 he served as Chair of the Department of Otolaryngology-Head & Neck Surgery/Audiology at the Mayo Clinic.

While at the Mayo Clinic Dr. Bolling has served on numerous committees including Coordinating Committee, Regional Visiting Faculty Program, Diabetes 2000 Committee, Education Committee, Mayo Group Practice Continuing Education Committee and the Executive Board.
information in order to perform a function necessary to help carry out a healthcare function) and serves to modify HIPAA privacy and security rules applicable to electronic health records. These revisions may be summarized as follows:

**Compliance**

Covered entities must initiate a written, breach notification policy and procedures plan in addition to the HIPAA compliance plan. The new provisions require that specific procedures entailing breach notification include documentation of staff training, provide an accounting of disclosures and contain a corrective plan in the event of a privacy breach.

**Business Associates**

Business Associates (BAs) must fully comply with HIPAA Security and Privacy rules. Penalties for noncompliance apply to BAs who must secure their own business associate agreements. Health information exchanges, such as regional health information exchanges are considered BAs.

**Breach Notification**

Breach of personal health information (PHI) privacy or security is the responsibility of the covered entity. An individual must be notified if the breach is of unsecured PHI, such as unencrypted electronic records. Each individual affected by the breach must be notified in writing, within 60 days of discovery. An annual log must be maintained, and reported to HHS. Covered entities are required to adhere to the written notification procedures contained in their HIPAA compliance plan.

**Disclosures Accounting**

An accounting of all PHI disclosures, including those disclosures made for payment, treatment and operations must be maintained. Furthermore, all disclosures must be limited to the minimum necessary – as defined by HHS.

**Disclosure Restrictions**

Patients may restrict disclosure of PHI to their health plan, insurer or managed care organization if the PHI pertains to health information that was fully paid for by the patient.

**Individual Rights**

Patients have the right to obtain their electronic medical records electronically and may not be charged for more than the labor costs incurred. Patients may also take civil action against a business associate, in addition to a covered entity, for security and privacy breach occurrences.

**Enforcement, Penalties, and Audits**

Government enforcement capabilities of HIPAA security and privacy violations have been significantly enhanced in tandem with increased governmental monetary fines and penalties. Patients may also initiate civil actions seeking monetary damages in addition to governmental penalties. State Attorneys General can sue in federal district court for such civil damages and are free to award court costs and attorney fees in addition to monetary damages. Consequently, broadened financial incentives and increased legal action may result. Criminal penalties for wrongful disclosure of PHI apply to individuals whether employees or not of a covered entity. The DHHS is required to perform periodic audits of both covered entities and their business associates.

Many of the HIPAA revisions implemented as a result of the ARRA remain under governmental rule-making review with varying phase-in dates and compliance deadlines. For these reasons, contemporaneous legal or risk management guidance should be sought.

- Risk Management Guidelines
- Prospectively seek legal or risk management guidance
- Become fluent in HIPAA terminology
- Educate and train all levels of staff
- Review and revise out-dated HIPAA compliance measures
- Revise patient information forms, consents, authorizations
- Ensure BA agreement is compliant
- Remain current – professional, governmental, and legal informational websites
- Diary applicable ARRA effective dates
- Anticipate more revisions and time-frames

**References**

1. Health Insurance Portability and Accountability Act of 1996 (HIPAA)
3. 45 C.F.R. §164.308 – Regarding administrative safeguards to protect ePHI;
4. 45 C.F.R. § 164.310 – Regarding physical safeguards to limit physical access to ePHI;
5. 45 C.F.R. § 164.312 – Regarding technical safeguards for electronic information systems that control access to ePHI;
6. 45 C.F.R. § 164.316 – Regarding reasonable and appropriate policies, procedures and documentation requirements of the HIPAA Security Rule as it relates to ePHI.

Cliff Rapp, a licensed health care risk manager, is Vice President of Risk Management with First Professionals Insurance Company, a leading medical professional liability insurer. Rapp is widely published and a national speaker on loss prevention and risk management.

Information in this article does not establish a standard of care, nor is it a substitute for legal advice. The information and suggestions contained here are generalized and may not apply to all practice situations. First Professionals recommends you obtain legal advice from a qualified attorney for a more specific application to your practice. This information should be used as a reference guide only.

First Professionals Insurance Company is Florida’s Physicians Insurance CompanySM and the endorsed carrier for professional liability insurance.
regarding this legislation or receive any information that will help us in this effort, please feel free to call the FSO office at 904.998.0819.

Last month we launched a new initiative to support the important efforts being implemented through our new entity - FOCUS, a committee of continuous existence. This year it will be particularly important for each and every one of us to step forward and make a contribution to Focus. These contributions will help the FSO in its efforts to garner legislative support with the goal of putting patient safety first.

Please consider being a part of the new “$87 a Month” campaign. We will send you additional information about the campaign in the weeks ahead.

The FSO is already working hard on the 2010 Annual FSO Meeting: Masters in Ophthalmology that will be held June 25–27 at The Ritz-Carlton Grande Lakes in Orlando, Florida. Dr. Clifford Salinger is developing an exceptional program and you can certainly look forward to another great meeting with informative lectures from world-renowned faculty. Please save the date and visit our web site at www.mdeye.org for up-to-date information.

Finally the “Red Flag Rules” were supposed to go into effect on November 1, but the Federal Trade Commission recently extended the date to June 1, 2010. Information is available at www.mdeye.org/physician/redflagrules if you need to develop a compliance program for your practice. You’ll find this new requirement for protecting patient information quite straightforward to implement.

Remember that this is your organization and I thank you for your support and look forward to the work and successes we face ahead together in the year to come.

If you have any questions, concerns, or recommendations please feel free email me at bfouraker@mdeye.org or write to me at 403 Vonderburg Drive, Brandon, Florida, 33511.

Notice: Red Flag Rules - New Deadline for Compliance: June 1, 2010

It’s the Next Best Thing for FSO Members!

The Florida Society of Ophthalmology and OptaComp, formerly Comp Options, are excited to offer the best thing since sliced bread - as an FSO member, you can receive money back on your worker's comp premium with a potential dividend of 24.8% of your premium. OptaComp has paid a dividend to medical programs for eleven straight years, with over $3 million returned over the past 6 years to Florida medical societies’ members. The program, which is endorsed by FSO, is offered exclusively by Danna-Gracey, an independent insurance agency with a team of specialists dedicated solely to insurance coverage placement for Florida's doctors.

For more information on this FSO endorsed worker’s compensation insurance program through OptaComp, please call Tom Murphy at 800.966.2120.
LEGISLATIVE REPORT, CONT.

Are Economics a Weapon Against Patient Safety?

Field reports are coming in from members that have indicated that optometrists are actively soliciting letters from ophthalmologists to support their orals legislation. The optometrists plan on using these letters as evidence and have already been providing copies of them to legislators. Members are also calling us out of concern and apologizing that they were coerced into signing the letters, and are letting us know privately that they disagree. Members—please do not sign letters to which you do not agree.

This is an extremely serious patient safety matter. They will attempt to use these letters to legislate away your training and experience, divide your practice, and then seek additional legislation to expand to surgery as they have demonstrated across the nation.

Let the FSO and your colleagues know that you stand unified. Senator Bennett and Representative Reagan can be reached at the following address. Your legislator’s address can be found at www.mdye.org.

Senator Michael S. Bennet
Wildewood Professional Park, Suite 90
3653 Cortez Road West
Bradenton, FL 34210
Phone: 941-727-6349
FAX: 941-727-6352

Representative Ron Reagan
Suite B-1 7011 15th Street
East Sarasota, FL 34243-6205
Phone: (941) 727-6447