In my first President’s Message, I outlined the three major activities of the FSO: Education, Advocacy, and Outreach. In my second President’s Message, I discussed some of the many ways in which you can become more involved in these activities. In this one, I’d like to inform you of some of the things that we, as a Society, are doing on behalf of our members and our patients.

In December, I traveled to Tallahassee with Drs. Bradley Fouraker and Jaime Membreno from the FSO’s Legislative Committee, as well as the FSO’s legislative team, led by former Sen. Fred Dudley, FSO general counsel Bruce May and FSO policy analyst Brian Hart. At the Capitol, we laid the groundwork for the upcoming Legislative Session, which started on March 8, 2011. We met with Jeffery Scott, the Florida Medical Association’s (FMA) General Counsel and Senior Director of Government Affairs, to coordinate the FSO’s legislative strategy with that of the FMA. We also met with many legislators, including Senate President Mike Haridopolos, House Speaker Dean Cannon, 2010 FSO Legislator of the Year Sen. Don Gaetz, 2009 FSO Legislator of the Year Sen. Eleanor Sobel, and many others.

One of the FSO’s legislative priorities is to better protect ophthalmologists and our patients throughout the informed consent process, particularly in the area of cataract surgery. Because Florida law currently fails to describe the recognized risks of cataract surgery, a substantial number of “recognized risks” associated with cataract surgery continue to be improperly reported to regulators as “Code 15” adverse incidents. This over reporting unnecessarily exposes our doctors to extensive and time-consuming disciplinary proceedings before the Board of Medicine and to medical malpractice litigation.

Moreover, the lack of clarity in the law has contributed, in our opinion, to a climate of uncertainty regarding exactly which risks should

See President’s Message continued on page 7

FSO NEWS

For Eye Care Foundation, Inc. Established

For Eye Care Foundation, Inc.

Serving Floridians—Protecting Vision

The FSO is proud to announce the reformation of the FSO Foundation, For Eye Care Foundation, Inc. The For Eye Care Foundation, Inc. will be working hard in the months to come towards developing and organizing ophthalmic related charitable resources for professional education, community outreach and ophthalmic research. For more information on the foundation, how you can get involved or to make contributions, please call 904-998-0819.

The members of the Foundation Board are:
Gary Dolin, MD; Joseph Trentacoste, MD; Michael Levine, MD; David Cano, MD; Bradley Fouraker, MD; and James Rowsey, MD.
LEGISLATIVE REPORT

All Eyes On Tallahassee

It is critical that we remain vigilant during the session and prepare for next year

On January 5, 2011, Senator Larcenia Bullard (D-Miami) filed SB 356, which would authorize optometrists to use oral prescription medicines. Unlike last year’s bill by Senator Bennett (R-Bradenton), this bill has NO list of drugs, so it would allow the use of ALL drugs. We have communicated our opposition to Senator Bullard, who reportedly filed the bill at the request of some of her local optometrists. This bill has been referred to the following committees: Health Care, Banking and Insurance; and Budget.

As reported in the President’s Message, on January 25, 2011, Representative Mike Horner (R-Kissimmee) filed HB 479 regarding medical malpractice, which includes FSO’s language regarding uniform cataract surgery informed consent forms. A companion bill has not yet been introduced in the Senate, but we expect it to be introduced shortly. This bill is the top legislative priority of the FMA and FSO this year.

On January 28, 2011, Representative John Tobia (R-Melbourne) filed HB 549 regarding eye care professionals, which would add an ophthalmologist to the Board of Optometry, and authorize opticians to refract. Meetings with Dr. Schwartz and our lobbyists were held Tallahassee with both Senator Sobel and Representative Tobia.

On February 1, 2011, Senator Sobel (D-Hollywood) filed SB 742 regarding “surgical first assistants,” who would be licensed by Board of Medicine (BOM) to work under the supervision of a “physician” (not defined in the bill). This bill has not yet been referred to any committees, but has been discussed with Senator Sobel, and will be monitored closely. Our resolution honoring EyeCare America was submitted to bill-drafting in early February. We expect it to be sponsored by Senator Gaetz, and have requested that the companion resolution be filed by Representative Will Weatherford (R-Wesley Chapel).

Finally, we had a great fundraiser in Tampa that was sponsored by the FMA for Senators Hays and Gaetz. Thank you to all who came to the fundraiser as well as those unable to attend but provided financial support. The event was well attended and the following day FMA PAC meeting was held. It is critical that we remain vigilant during this Session and prepare for next year when all of the legislative seats will be up for re-election.

MORE ON THE WEB:

To discuss this article go to www.mdeye.org.

EVENTS

APRIL 6-9, 2011
AAO Mid-Year Forum
Grand Hyatt Hotel
Washington, DC
www.aao.org/meetings/myf

MAY 20-22, 2011
Grand Canyon Regional Ophthalmology Meeting
High Country Conference Center
Flagstaff, AZ
www.azeyemds.org

JUNE 24-26, 2011
Masters in Ophthalmology 2011
The Breakers
Palm Beach, FL
www.ophmasters.com

JULY 28-31, 2011
35th Annual Meeting of the Christian Ophthalmology Society
The Homestead
Hot Springs, VA 24445
www.cosw.org
FSO MEMBER’S CIRCLE

Benefits Available to FSO Members

First Professionals Insurance Company (FPIC): FSO members may be eligible for a 5% program discount and also access claims-free discounts for even greater savings of over 25%. If you are a current FPIC policy holder and are eligible for the program, the discount will be available at renewal. This offer cannot be used in conjunction with other discounts. Eligibility is not guaranteed. Contact Shelly Hakes, Director of Society Relations, (800) 741-3742 x 3294 or hakes@fpic.com.

Holland & Knight, FSO general counsel, has offices throughout the state of Florida and offers discounted fees for FSO members. Contact Bruce May, Esq. at (850) 224-7000 or bruce.may@hklaw.com for assistance. www.hklaw.com

LifeLock is a comprehensive identity theft protection company that protects against more than just credit fraud. Their advanced protection system has broader coverage for both credit and non-credit-related identity threats. FSO members qualify for 20% off the base fee of $10/month. To enroll, visit www.lifelock.com, click “enroll now”, enter promo code FSOFLA20, then click “apply”.

OptaComp has a program with a “no-brainer” benefit for FSO members. Your practice could have the opportunity to receive money back from OptaComp in the form of a dividend of up to 24.8% of your workers compensation premium. Contact Tom Murphy at (800) 966-2120 or murphy@dannagracey.com.

Medical Defense Solutions (MDs) offers a wide range of services including financial planning and claims management. MDs also has a comprehensive and professional legal team to choose from. FSO members receive a 25% discount on the physician annual membership fee. Contact Matt Gracey at (800) 601-8979 or gracey@defendmd.com.

Ophthalmic Mutual Insurance Group (OMIC):OMIC insured’s can earn a risk management premium discount by registering for the annual FSO meeting and attending this cosponsored program. Participants must turn in an attendance form at the OMIC seminar along with their email address. OMIC insured’s who are current FSO members can receive a 5% discount, plus an additional 3% for attending live OMIC course at the Masters in Ophthalmology meeting. Non-FSO members earn a 5% discount. These insurance premium discounts are applied upon renewal with OMIC. For further information call (800) 562-6642.

2010 Annual Meeting Slides and Recordings

As another special FSO member benefit, you have special access to download slides and recordings from the Masters in Ophthalmology 2010 Annual Meeting. Please use this link: http://app.mdeye.org/media/2010/ and you will be directed to the correct location where you can log in with your FSO username and password to obtain the slides.

Presentations include:

- Using Benchmarks to Improve Your Practice
  Derek A. Preece, MBA

- Secrets of the Successful Multifocal Surgeon
  William G. Martin, MD, FACS

- What’s New in Eye Tumors
  Jerry A. Shields, MD

- Advances in Optical Coherence Tomography
  Joel S. Schuman, MD, FACS

- Advances in Evaluation and Management of Retinal Detachment
  Donald J. D’Amico, MD

- A Minimalist Approach to AMD Therapy
  Donald J. D’Amico, MD

- A Clinician’s Guide to Corneal Asphericity
  David Schanzlin, MD

- Surgical Pearls to Ensure Best Surgical Outcome
  William G. Martin, MD, FACS

- New Directions in the Surgical Treatment of Kerataconous and Corneal Ectasia
  David Schanzlin, MD

- Interpreting OCT Printouts
  Joel S. Schuman, MD, FACS

- Serious Eye Cancers
  Jerry A. Shields, MD
What is the difference between FOCUS, CCE and the FSO President’s Circle?

**FOCUS, CCE**
- **FOCUS, CCE** is the FSO’s Political Action Committee (PAC)
- Members of FOCUS, CCE make contributions to the PAC, which in turn contributes to candidates
- FOCUS, CCE is limited to a maximum contribution of $500 per candidate
- Funds contributed to FOCUS, CCE are used to support important candidates that have been identified by the FSO Legislative Committee
- You can make a one-time contribution to FOCUS, CCE or consider signing up to contribute monthly (suggested minimum amount is $87/month)

**President’s Circle**
- Participants in the President’s Circle make individual contributions to candidates identified as important by the Legislative Committee
- Participants commit to making individual contributions to candidates totaling $2,000 over a 2-year period
- Participation in the President’s Circle allows for numerous checks to be bundled, thereby amplifying the FSO’s fundraising success
- When called upon to make a contribution, check requests may range from $250 to a maximum of $500
The Florida Society of Ophthalmology invites you to join the President’s Circle

WHY? Contributions from our CCE — FOCUS — are limited to $500 per candidate. Donations directly from our members and other individuals are also subject to this limit. However, individual contribution checks can be grouped together and delivered to the candidate along with the CCE check, which will dramatically amplify the efforts of FOCUS.

Participation: When the need arises, the FSO will contact participants of the President’s Leadership Circle individually by fax, phone, or email and request a check. The check, made out to the candidate, must be sent immediately to the FSO office. As a participant in the President’s Leadership Circle, you pledge that when called upon you will contribute up to $2,000* over the 2011-2012 election cycle. The candidates will be identified by the FSO. This $2,000 may be solicited in disbursements of $500 (or less) for each candidate. We only ask that you pledge up to $2,000 over the next two years.

*Example: From 2010 to 2012 you pledge $2,000. You may be called upon to write the following checks:

<table>
<thead>
<tr>
<th>Candidate One</th>
<th>$500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidate Two</td>
<td>$500</td>
</tr>
<tr>
<td>Candidate Three</td>
<td>$500</td>
</tr>
<tr>
<td>Candidate Four</td>
<td>$500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,000</strong></td>
</tr>
</tbody>
</table>

President’s Leadership Circle Member Recognition:
- Annual Meeting signage
- A special Leadership Club Pin
- Invitation to attend a special reception at the Annual Meeting
- Invitation to all candidate fundraisers

___ YES, I would like to participate President’s Leadership Circle

___ Not at this time, please send me a reminder to my email: ________________________________

(Please be sure to provide reliable contact information)

| Name: ________________________________ |
| Office Manager: ________________________________ |
| Office Phone: ________________________________ |
| Office Fax: ________________________________ |
| Home Phone: ________________________________ |
| Home Fax: ________________________________ |
| Cell Phone: ________________________________ |
| Email: ________________________________ |
| Signature: ________________________________ |

Complete this form and send to: FSO • 6816 Southpoint Parkway, Suite 1000 • Jacksonville, FL 32216
Fax: 904.998.0819

*Contributions are not tax deductible

A Special Thanks to the FSO President Circle Participants:
We would like to recognize the members below who are already participating in the President’s Leadership Circle.

Janet Betchkal, MD
Lawrence Hurvitz, MD
William Mallon, MD
John Michaelos, MD
J. James Rowsey, MD
Gary Schemmer, MD
Ivan Suner, MD
Masters in Ophthalmology 2011

June 24–26, 2011
The Breakers, Palm Beach, FL

Confirmed Nationally Recognized Faculty

Featured Mel Rubin Award Lecturer
Stephen Lane, MD
University of Minnesota

Carmen A. Puliafito, MD, MBA
University of Southern California

Stephen C. Pflugfelder, MD
Baylor College of Medicine

Pamela S. Chavis, MD
Storm Eye Institute
Medical University of South Carolina

Ronald L. Fellman, MD
Glaucoma Associates of Texas

Monte Mills, MD
University of Pennsylvania

Benefits of Attending

Educational Highlights
- Understanding and Identifying the Occult Presentation in Vision Loss
- Tear Dysfunction: A New Paradigm for Dry Eye
- New Treatments for Macular Degeneration
- Not Optic Neuritis, So What Is It?
- Pseudoexfoliation: Challenges in Cataract Surgery
- Evaluation and Consultation in Complex Strabismus: When to Refer to Pediatric Ophthalmologist vs. Neuro-ophthalmologist

Meeting Highlights
- Nationally renowned faculty presenting scientific sessions for the general ophthalmologist and subspecialist
- Subspecialty breakout sessions in: Neuro-ophthalmology, Pediatrics, Refractive Surgery and Retina-Vitreous
- Risk Management seminar presented by OMIC and FPIC
- Special breakout session on Preventing Medical Errors in the Ophthalmic Practice

Opportunities for the Entire Office
- Certified Ophthalmic Assistants Program presented by JCAHPO
- CODEquest coding and reimbursement update presented by the American Academy of Ophthalmology
- Office administrators management program sponsored by the FSO

World Class Location
- Set on a picturesque beach in the heart of Palm Beach the Breakers offers an unparalleled array of on-site activities and oceanfront amenities. Meeting room rates start at $190/night for a Superior King room. Call 1-888-273-2537 and ask for the MASTERS room block to ensure this rate.

Make plans now to attend the Masters in Ophthalmology 2011
Register online at www.ophmasters.com
be disclosed to patients. Ophthalmologists and our patients are at the forefront of this issue, because cataract surgery remains the most commonly performed surgical procedure in the United States. We believe that a potential solution to this problem is the creation of a standardized informed consent document, approved by the Board of Medicine. This approach has been used for many years in Texas and has contributed to improved medicolegal conditions in that state.

To achieve this end, a task force from the FSO and Bascom Palmer Eye Institute, led by Dr. Carol Karp, has drafted standardized informed consent language for cataract surgery. We believe this document facilitates preoperative communication, improves patient care, and offers you, the practicing ophthalmologist, better protection against unwarranted “Code 15” enforcements and other actions. This document is now available to FSO members for use in their practices on the homepage of our website, www.mdeye.org.

In January, the FSO Board met in Orlando. Twenty-four Board members attended. At this meeting, we refined our legislative priorities for the upcoming session. In addition, we discussed the 2011 Annual Meeting and the evolving FSO Foundation, known as “For Eye Care,” which replaces the FSO Eye Injury Registry. We hope that the FSO Foundation will become the main engine of our outreach efforts, assisting needy patients and the ophthalmologists who care for them.

In February, I again traveled to Tallahassee for the fifth annual Florida Vision Summit, hosted by the Vision Caucus of the Florida Legislature and the Florida Association of Agencies Serving the Blind (FAASB). At the Vision Summit, I gave two presentations on advances in ophthalmology, and I met with representatives from many of FAASB’s 16 member local nonprofit agencies, which serve the blind and visually handicapped of our state. During this trip, I also met with many legislators who are taking an active interest in our specialty, including Rep. Dennis Baxley, Rep. Jason Brodeur, and Rep. John Tobia.

Your FSO Board is committed to advancing the interests of our patients, our profession, and our members. We eagerly anticipate the 2011 Legislative Session and I look forward to updating you on our progress. I am always happy to hear from you. Please feel free to contact me with any comments, criticisms, or suggestions.
IN A MEDICAL MALPRACTICE CLAIM:
Be ready for anything and everything.

Decades of experience, true financial stability, and a tough-as-nails defense team make First Professionals a well-rounded — and yes, affordable — choice when it comes to protecting your medical reputation and career. No other Florida medical malpractice provider knows the industry quite like we do, nor do they defend our doctors with as much tenacity. We’re committed to protecting you and everything you’ve got, with everything we’ve got.

For more information, contact Shelly Hakes, Director of Society Relations at (800) 741-3742, Ext. 3294.

Endorsed by

Significant discounts available for eligible FSO members.
SOCIETY NEWS

FSO Now Accepting Nominations for the 2011 Annual Awards

This FSO is accepting nominations for the annual awards to be presented at the Masters in Ophthalmology Meeting at The Breakers in Palm Beach, June 24-26.

If you would like to nominate someone for one of the awards described below, please send your nominations along with the nominees contact information to the FSO office at 6816 Southpoint Parkway, Suite 1000, Jacksonville, FL 32216.

You may also submit nominations online at www.mdeye.org. Please be sure to include information on why you are nominating the person for the selected award. Nominees must be a member of FSO in good standing. Nominations must be received no later than Friday, May 27, 2011.

The Shaler Richardson, MD Service to Medicine Award
Shall be 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.

The Outstanding Young Ophthalmologist Leadership Award
Shall be given to the Florida ophthalmologist younger than 40 years of age, who has been in his/her practice situation for less than eight years, has demonstrated organizational leadership, service, competence and devotion to the high ethical and professional standards of the FSO.

The James W. Clower, Jr., MD Community Service Award
Shall be given to the Florida ophthalmologist who has made the greatest contribution of time and service to his/her community.

The John R. Brayton, Jr., MD Leadership Award
Established in honor of John R. Brayton, MD, shall be given to the FL ophthalmologist to recognize leadership and dedication to preserving the profession of ophthalmology.

IN REMEMBRANCE

In memory of Joel Glaser, MD

Eduardo Alfonso, MD

With great sadness, we mark the passing of a beloved colleague, physician, mentor and friend. Joel S. Glaser, MD, one of the world’s most influential neuro-ophthalmologists and one of Bascom Palmer Eye Institute’s first faculty members, passed away.

A graduate of Duke University and Duke University School of Medicine, Dr. Glaser completed his residency at Bascom Palmer and a fellowship in neuro-ophthalmology at the University of California in San Francisco. He joined the Bascom Palmer faculty in 1970. A neuro-ophthalmology specialist, Dr. Glaser practiced at Bascom Palmer for 25 years, and in 1995 left to set up a private practice with his good friend and colleague, Dr. Norman Schatz. Dr. Glaser returned to Bascom Palmer in 2001 as a voluntary faculty member.

Known as a “scholar’s scholar” Dr. Glaser was a prolific author, editor, and teacher. He authored Neuro-Ophthalmology, a landmark textbook in the field, now in its third edition, and authored or co-authored more than 180 peer-reviewed articles. He was named “A Best Ophthalmologist in America 1996” by Ophthalmology Times, has been included in “The Best Doctors of America” and received the outstanding achievement award by the North American Neuro-Ophthalmology Society. Most recently, Dr. Glaser presented the prestigious William F. Hoyt Lecture at the American Academy of Ophthalmology. Humorous and acerbic, he was also a musical virtuoso and concert cellist.

Dr. Glaser is predeceased by his wife Irena whom he met at Bascom Palmer. He is survived by his children: Larah, Ben, Jacob and Owen; and his beloved granddaughter, Mayan.

Joel S. Glaser, MD
March 1, 1938 – February 10, 2011
Did you receive money back on your workers’ comp insurance premium last year?

Many doctors have through the Florida Society of Ophthalmology Workers’ Compensation Program.

The rates for workers’ compensation insurance are set by the State of Florida. Your practice will pay the same price no matter where you choose to secure coverage. However, under the OptaComp program, you may be eligible for a potential dividend of up to 24.8%:

- $10K premium has returned an average dividend of 20%, or $2,000.
- $5K premium has returned an average dividend of $1,000.
- $2K premium has returned an average dividend of $400.

Your membership with the Florida Society of Ophthalmology (FSO) can provide savings that can be paid back in dividends. OptaComp has returned a dividend for 12 straight years, with over $4 million over the past six years to medical societies’ members in Florida. The OptaComp (rated “A” by A.M. Best) program is endorsed by the FSO and is offered by Danna-Gracey, Inc.

For more information on the workers’ compensation insurance program through OptaComp, call the experts at Danna-Gracey.
MANAGING YOUR PRACTICE

Mandatory Reporting

Medicare Secondary Payer Act

The Center for Medicare and Medicaid Services ("CMS") recently issued an alert ("Alert") revising the timeline for liability carriers reporting Medicare settlements or judgments.

Effective April 1, 2011 (rather than January 1, 2010), the Medicare Secondary Payer Act [42 U.S.C. 1395y(b)(7) & (8)] requires that all liability carriers report payments made to any Medicare plaintiff/claimant to the CMS. This reporting requirement may also apply to payments made directly by a physician and by "self-insured" physicians.

First Professionals Insurance Company will report payments made on behalf of its policyholders to CMS. For payments made by a physician directly to a claimant, the physician may be responsible for reporting to CMS. See reporting information below.

Reports must be submitted to CMS in electronic format only, on the CMS website: www.com.hhs.gov/MandatoryInsRep. However, the electronic reporting may be waived when there is no method available for the submission of claims (a) in an electronic format; (b) for a provider of services with fewer than 25 full-time equivalent employees; or (c) for a physician, practitioner, facility, or supplier (other than provider of services) with fewer than 10 full-time equivalent employees.

Extension for Reporting:

Liability insurance (including self-insurance) total payment obligations to claimant ("TPOC") must be reported if the settlement date is on or after October 1, 2011 (rather than October 1, 2010). The reporting must be no later than the designated submission window in the first quarter of 2012. The Alert states that the reporting entity has the option to report liability (including self-insurance) TPOC settlements prior to the first quarter of 2012. The reporting entity must report during their assigned quarterly submission window.

Extension of Current Dollar Thresholds:

The Alert provides for the interim dollar reporting thresholds, to be extended by one year. The thresholds for exemption from reporting are summarized as:

- Settlement date prior to January 1, 2013 and amount is $5,000 or less
- Settlement date during 2013 and amount is $2,000 or less
- Settlement date during 2014 and amount is $600 or less

CMS will assign each registered liability carrier a specific date for reporting every quarter. If a physician makes a payment directly to a plaintiff/claimant which meets the reportable threshold, CMS should be contacted as soon as possible regarding how and what to report. Generally, the report date is determined by the date of settlement, date of verdict, or date of appeal result, not the date that payment is made.

Factors to consider in determining whether you must report a payment:

1. Is the plaintiff/claimant a Medicare recipient?

   Look at the entitlement at the "time of incident":

   - Persons who have reached age 65 and are entitled to receive either Social Security, widows or Railroad Retirement Benefits;
   - Disabled persons (totally disabled) receiving SSDI;
   - Persons of any age who have received Social Security, widows or Railroad Disability Benefits for 25 months (this may apply to disabled minors/adults);
   - Persons with end-stage renal disease who require dialysis treatment or kidney transplant; and
   - Working persons over age 65 that are not eligible for either Social Security or Railroad Retirement Benefits who purchase Medicare coverage by monthly payment or as active employees for an employer of 20 or more employees.

2. Is the payment over the dollar threshold for the year it was made?

   If you must report, how and what do you report?

   Generally, unless a waiver is received for electronic reporting, every report must contain the following information for each claimant:

   See Mandatory Reporting on back page
MANDATORY REPORTING CONTINUED from page 11...

The Center for Medicare and Medicaid Services ("CMS") recently issued an alert ("Alert") revising the timeline for liability carriers reporting Medicare settlements or judgments.

- Name of claimant (with middle initial);
- Social Security number (HICN when available);
- Complete address;
- Telephone number;
- Gender;
- Date of birth;
- Date of death, if applicable;
- Full contact information on any estates, siblings or other representative claimants, if applicable;
- Dates and the nature of any injuries, including whether the injury involved an allegedly defective product, if applicable;
- Information detailing any resolution or settlement of a claim, with a focus on explaining whether the claim was contested or not, and whether the primary payer has assumed ongoing responsibility for medical costs associated with the claim.

There are very steep fines ($1,000 per day, per claimant) for failure to report pursuant to these requirements.

The reporting requirement does not apply to Medicaid recipients.

Contact CMS at www.cms.hhs.gov/MandatoryInsRep or by phone at 800-999-1118. Additional information may also be obtained by contacting the First Professionals Risk Management Department at 800-741-3742 ext. 3016 or via e-mail to rm@fpic.com.