



Volume 12 • Issue 3 • Summer 2022

No Bones About it Why We Get Involved



**Manuel Molina, MD,
President**

The West Virginia Orthopaedic Society has always been made up of a group of members who are highly motivated to stay in touch with ongoing changes in the practice of orthopaedics in our state. They also monitor how to deal with the relevant current and future movements of our Society in relation to the functions of state medical associations.

It was easier in the past. We were all in private practice (with some exceptions), meaning we all had the same "skin in the game." As they say, though, "the more things change the more they stay the same." I believe today it is even more relevant that we as a society be part of "The Voice.

That's "The Voice" that allows us to take care of our patients to the best of our abilities. No matter where you practice, private/employed, newly trained graduate or approaching retirement, we all share the same concerns and goals. The collaborative nature of our Society is surely fun, collegial, comical at times, but the leadership and its members take their responsibility seriously to be the best representatives and guardians for the protection of musculoskeletal care in our state as their highest duty. Our mission is to collect, share and discuss information on the issues that affect us all...then advocate for those positions. By doing so, we can better understand the state society's needs and aspirations and embrace the expertise of our membership to affect the changes needed for us all to move forward. Unfortunately, some of us are saying "I'm just here for the paycheck." But politics and politicians create policies that affect us all. They have major social, cultural and **Get Involved...** More on page 10

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WVOS Delegation Lobbies Congress

We asked our
Members of
Congress to
support three
bills. We
opposed a
fourth bill.

The West Virginia Orthopaedic Society sent a delegation to Washington, D.C., in September to meet with members of our congressional delegation on a number of issues. This trip was in conjunction with the AAOS National Orthopaedic Leadership Conference.

Medicare Payment Reform

In December 2021, Congress acted to mitigate most impending cuts to Medicare reimbursement set to take place in 2022. The "Protecting Medicare and American Farmers from Sequester Cuts Act" provided a 3% positive adjustment to the Medicare Physician Fee Schedule (MPFS) conversion



Delegation members met with Congressman McKinley's Health Legislative Director, who understood our issues. We also conveyed our thanks for McKinley's years of support for orthopaedics.

factor (CF) for 2022, averted a 4% Medicare payment reduction due to statutory pay-as-you-go (PAYGO) requirements and phased in a 2% cut due to sequestration

Congress

More on page 12



Members of the delegation were, from left: AAOS Councilor Joe Prudhomme; Advocacy Chair Richard (Ret) Topping and his wife Teri; President Manny Molina; Vice President Shafic Sraji; Resident Board Member Matt Hooper; and Immediate Past President Felix Cheung. Not pictured, but present, was Executive Director Diane Slaughter.

Prior Authorization Passes House

The House unanimously passed the Improving Seniors' Timely Access to Care Act on Wednesday, September 14, via a voice vote. The legislation, which has new transparency requirements for MA plans, now heads to the Senate.

Lawmakers behind the legislation said in a joint statement the bill will "make it easier for seniors to get the care they need by cutting unnecessary red tape in the healthcare system," said Reps. Suzan DelBene, D-Washington, Mike Kelly, R-Pennsylvania, Ami Bera, M.D., D-California, and Larry Bucshon, M.D., R-Indiana.

Prior authorization—where providers must first get insurer approval before performing certain services or making prescriptions—has increased in recent years much to the chagrin of providers who charge the process causes a massive administrative burden.

The House bill aims to require the establishment of an electronic prior authorization process for all MA plans to hasten the approval of requests. It would also require the Department of Health and Human Services (HHS) to create a process for faster, "real-time" decisions on the items or services that already get routinely approved.

Another new requirement is that MA plans must report to the federal government on how they use prior authorization, as well as the rate that such requests are approved and

denied. The requirement comes as HHS' watchdog found that MA plans have denied prior authorization claims for services that met Medicare's coverage requirements.

The overwhelming House vote earned plaudits from several provider groups.

"At a time when group practices face unprecedented workforce shortage challenges, 89% of [Medical Group Management Association] members report they do not have adequate staff to process the increasing number of prior authorizations from health insurers," the Medical Group Management Association said in a statement. "By streamlining and standardizing the overly cumbersome and wildly inefficient MA prior authorization process, this legislation will return a focus to the physician-patient relationship."

It hasn't passed the Senate.



**The House
passed the
Improving
Seniors'
Timely Access to
Care Act the day
after WVOS
visited with
Members of
Congress.**

NOLC Wasn't All Business...

It seems we
have some
"foodies" in the
WVOS.

After a long day of meetings, WVOS President Manny Molina and Immediate Past President decided to be adventurous for dinner, and they took Resident Matt Hooper and Executive Director Diane Slaughter along for the ride.

The foursome visited China Chilcano, a Jose Andres Peruvian restaurant, that combines the flavors of

China, Japan and Peru into an amazing menu. Dinner was a tour A tour of Peruvian cuisine featuring traditional and unique dishes and sharable delights. Some of the nine courses included shrimp and pork wontons, dancing yucca fries, pork belly, octopus and an amazing dessert. There were also some specialty adult beverages to top off the meal!



OrthoMatters Focuses on Advocacy

Politics, love it or hate it, is important to your daily practice! From your medical license to your DEA registration to your Medicare reimbursements, all are based on underlying legislation and regulation that shouldn't happen in a vacuum. This session is not about politicians or parties, but about the legislative process and your place in it.

Our panelists were Special Guest Congresswoman Carol Miller, Senator Ron Stollings, MD, Representative Matthew Rohrbach, MD, and WVSMA Executive Director John Law. Each offered their suggestions for contacting them, sharing concerns with them and other process details.



Congresswoman Miller said:

- Call the DC office first with your concerns, since my staff is excellent;
- "Form letters" are valuable if the topic impacts all orthopaedists, or make your

contact personal if it's a more local issue;

- Your NOLC program is very effective and it's good to visit with you in person in DC;
- Fight reimbursement cuts and find ways to ring WV kids back to WV as doctors; and
- You have to be involved since this is your livelihood.



Senator Ron Stollings, MD said:

- It's best to reach out during interim meetings or before the 60-day session starts;
- Share suggested policies, whitepapers or other information to support your position;
- Any of us would be readily willing to come to your meetings; and
- Earlier outreach is better

Advocacy More on page 9

**October focused
on legislative
process, not
politics or party.**

**Ortho
Matters**

"No Bones About It" Honored

No Bones
About It:
Opioid Issue
has been
recognized two
consecutive
years by the
public relations
community.

For the second consecutive year, the WVOS quarterly newsletter, No Bones About It, has received top honors from the Public Relations Society of America - West Virginia Chapter for the annual "Opioid Issue."

The West Virginia Orthopaedic Society (WVOS) and the West Virginia Association of Orthopaedic Executives (WVAOE) jointly produce a quarterly online newsletter, No Bones About It, under the auspices of the WVOS. Research on opioid use and deaths in West Virginia and a WVAOE scholarship program are used to focus the spring issue of No Bones About It on the opioid issue.

The goals of this issue were two-fold: the first, to receive 75% of scholarship applications received the prior year; the second, not directly measurable, is to impart information about the complexity of this crisis through the eyes of high school seniors to our audiences of West Virginia's Congressional



delegation, orthopaedic surgeons and practice managers across West Virginia and surrounding states.

The primary **objective** was to encourage high school students applying for the Josh Tuck Memorial Scholarship to think about solutions to the opioid crisis and share those perspectives with orthopaedic surgeons, practice managers and Members of Congress.

Homestead Communications is honored to produce this publication for WVOS and WVAOE.



WVOS Recruits New Members

As part of the work of the Membership Committee, chaired by Vivek Neginhal, MD, WVOS Vice President Shafic Sraj hosted a get-together for nearly 20 northern West Virginia orthopaedists at Sargasso in Fairmont.

That evening of relaxed conversation, sponsored by Zimmer Biomet, resulted in two new members! The new members are Dr. Jacob Conjeski from Mountainstate Orthopedic Associates and Nicholas Higinbotham from Orthopaedic Center of the Virginias.

We thank Shafic for putting together the event and we encourage others around the state to do so.



Above are shown, from left, WVOS Director Dan Grant, AAOS Councilor Joe Prudhomme, WVOS Secretary-Treasurer Ryan Murphy and William Post. Below, Shafic Sraj share information on WVOS programs and, bottom, Joe Prudhomme shared AAOS information.



**WVOS recruited
two new
members from
Fairmont
gathering.**

Orthopaedic surgeons bring economic health to West Virginia



1,465 jobs

Total jobs supported



\$240 million

Total economic activity generated



\$114 million

Total wages and benefits supported

Source: 2018 AMA Economic Impact Study



AAOS
AMERICAN ASSOCIATION OF
ORTHOPAEDIC SURGEONS

#OrthoAdvocacyInAction
aaos.org/orthoimpact

Advocacy More from page 5 and direct contact is the best of all options.



Representative Matthew Rohrbach, MD said:

- As a committee chair, he keeps regular office hours year-round or you can call the House Health Office.
- If you need legislation or funding, earlier outreach is better;
- Don't assume legislators know what you do every day - they all have other day jobs and professions; and As providers, you need to make contact with legislators.

WVSMA's John Law said:

- Diane and I talk often to share information on issues;
- There are two major opportunities to reach out - interims and before session.

The question was raised about how to make the state more enticing to medical recruits. Rohrbach had several suggestions, know reimbursements "are awful." He said scholarships and loan repayment would help, but it's still about reimbursements.



When asked how to enhance our ability to get younger orthopaedists involved in advocacy, Stollings suggested mentorship, technology and showing the value of being part of "organized medicine." He shared that there is a week-long legislative rotation for medical students, but acknowledged it might be more difficult to include residents in the program due to work schedules.

Stollings half-jokingly said, "The answer's money. What's the question?" He suggested we find ways to eliminate cost-shifting, acknowledge the need to be kinder and stop making life tougher on doctors if we want to attract them to and keep them in West Virginia.

The video of this conversation can be found at <https://wvos.org/wvos-orthomatters-library/> and the password is OrthoMatters! (you may have to enter it twice). All of our Journal Club and OrthoMatters events are on that page.

Discussions
ranged from
how to reach
legislators to
how to attract
and retain
younger
physicians.

**We have a great
membership
and we have
some great
leaders who
truly know the
meaning of
getting
involved.
- Dr. Molina**

Get Involved... More from page 1
economic consequences that
shape the delivery of healthcare
in our state and that's our
livelihood.

Throughout the pages of
this issues you'll find many
examples of what we are
doing as a Society. We have
a great membership and we
have some leaders who truly
know the meaning of getting
involved. Dr. Joe Prud'homme,
the WVOS representative to
the AAOS Board of Councilors,
has for years been personally
and professionally involved
with our state and federal
legislatures and elected
representatives. He represents
us at the national level with
the AAOS. He understands "the
rules of the game" and what it
takes for us to affect change.
He frequently gives us these
words of wisdom that "if you're
not at the table you're on the
menu." Other members include
the immediate past president
of the West Virginia State
Medical Association and our
Vice President Dr. Shafic Sraj.
He seems to have boundless
energy and enthusiasm that
have served our Society well.
He was able to initiate the
beginnings of a program
with WVSMA that formed a
Healthcare Policy Panel, of
which our representative is
Advocacy Chairman Dr. Ret
Topping. His hopes for this
panel are to review and discuss
future and proposed policies
and their effect on the delivery
of medical care in the state.
On a more national scale Dr.
Sraj, organized and presented
a conference in May on balance
billing, "The No Surprise Act,"
a national discussion which

featured speakers including
AAOS Advocacy Chairman
Douglas Lundy, American
Medical Association President
Gerry Harmon and others. It
was an excellent discussion
that reviewed and warned
us that the regulations which
took place recently undercut
"carefully crafted legislation
and will greatly diminish patient
access to care."

In September, a delegation
from West Virginia Orthopaedic
Society was sent to Washington
DC to represent our state at
the AAOS National Orthopedic
Leadership Conference (NOLC).
Our goal was to discuss policies
with our representatives
which affect us all with a
unified voice that hopefully
will make a difference. We
promoted the passage of the
Prior Authorization Act which
streamlines and effectively
makes more coherent the use
of attaining authorization for
testing and procedures with
Medicare as it pertains to the
timely delivery of care for our
senior citizens. The legislation
has passed the House with
the assistance of Rep. Carol
Miller who sits on the influential
Ways and Means Committee.
We proposed they support
The Safety From Violence for
Healthcare Employees Act
that would impose federal
criminal penalties for those
who knowingly assault and
intimidate hospital employees.
We all have personal
knowledge while working in
medical institutions of such
unwanted acts then inflict
harm on nursing staff and
healthcare workers. Recently
the death of an Oklahoma

Get Involved... More on page 11

Get Involved... More from pg. 10 Orthopaedic Surgeon and three others is an extreme example. This legislation proposes to deter violent acts by raising awareness and increasing the penalties to that equal of an assault on a federal workers such as TSA employees. We also requested that they oppose the bill that had passed the House called The Improving Access to Worker's Compensation Injured Federal Workers, HR 6087. We explained that the bill greatly diminishes the level of education, training and expertise required to treat the complex medical worker's compensation field. By allowing NPs and PAs to diagnose, treat, prescribe and certify injury and disability, which is a particular field within orthopaedics that requires great understanding and skill, we believe the bill would definitely lower the bar in terms of standard of care.

The WVOS delegation also discussed with our representatives the adverse effects that continue to harm physicians and their practices due to steadily diminishing Medicare reimbursement. Budget neutrality aside, orthopaedics has seen a prolonged decline over the last two decades that has deteriorated the capabilities for physicians to continue taking care of our Medicare population. Despite hospitals and nursing homes having

attained increases in reimbursement, due to inflationary adjustments, physicians have not been granted the same. We discussed the adverse effect that current and proposed compensation for certain procedures, such as TKA and THA, have on our patient care delivery.

Most recently through the hard work of our Executive Director Diane Slaughter, we were able to present an OrthoMatters online event on "Advocacy and the Legislative Process." It featured discussion with Congresswoman Carol Miller, WV Senator Dr. Ron Stallings, WV Representative Matt Rohrbach and WVSMA Executive Director John Law. The discussion focused on how the WVOS could be relevant in the process of legislation affecting musculoskeletal healthcare delivery in our state. The answer was and always has been to **get involved and stay involved**. We need to know and understand legislation being proposed and its ramifications on our abilities to perform our duties as orthopaedic surgeons and healthcare professionals. Vote and support those candidates who understand our needs in relation to the practice of medicine in our state. Support ORTHOPAC and WESPAC.

REMEMBER... We want to be at the table, NOT on the menu!

**We want to be
at the table, not
on the menu!**

Since it was a legislative fly-in day, we saw fewer elected Members than usual, but these folks are among the best and brightest.

Congress More from page 2
policy over 6 months. These critical payment reduction relief policies effectively turned a 10% cut to Medicare reimbursement into a 2.5% cut spread out over 2022.

Although imperfect, this relief provided increased financial stability for Medicare clinicians and helped to ensure our nation's seniors maintained access to high-quality care. Unfortunately, physicians face another round of significant payment cuts on January 1, 2023. If finalized, the recently released Calendar Year (CY) 2023 MPFS Proposed Rule will cut the Medicare conversion factor by 4.5%. This cut, combined with the pending threat of the 4% PAYGO reduction and a lack of inflationary update, is simply not sustainable.



WVOs members met with Senator Capito's Legislative Aide Hannah Thompson.

We asked our representatives and their staff to expeditiously pass legislation that provides at least a 4.5% CF adjustment for 2023. In addition to staving off this immediate cut, the legislation should also provide at least a one-year inflationary update.

Prior Authorization Reform

Prior authorization approval is required for a wide range of services and medications in Medicare, Medicare Advantage



Congresswoman Miller's Legislative Director Lauren Billman met with WVOs members.

(MA) and commercial health insurance plans. This process is intended to control costs and can delay necessary medical care and negatively influence patient outcomes.



Congressman Alex Mooney, right, was available to meet with us in person on Capitol Hill.

We encouraged our elected representatives to support H.R. 3173, the "Improving Seniors' Timely Access to Care Act of 2021." Congresswoman Carol Miller and Congressmen David McKinley and Alex Mooney are co-sponsors of this legislation.

A recent American Medical Association survey found that 34% of physicians reported a serious adverse event for a patient—death, hospitalization, disability/permanent bodily damage, or other life-threatening event—due to prior authorization delays. The same report found medical practices spend an average of two business days every week completing prior authorization

Congress More on page 13

Congress More from page 13 requests, valuable time that could be used to treat patients.

In April 2022, the Office of Inspector General (OIG) for the U.S. Department of Health and Human Services released a report which found that MA plans inappropriately denied up to 85,000 prior authorization requests in 2019, and nearly 20% of reimbursement payments were denied despite meeting Medicare coverage rulesⁱⁱ. The report included dozens of individual examples of improper denials for orthopaedic patients, including wrongful denials of MRIs, shoulder and knee x-rays, inpatient admission, rehab admission, durable medical equipment, and follow-up visits.

SAVE Act (Safety from Violence for Healthcare Employees)

Workplace violence for healthcare workers has been slowly increasing, especially

over the last two years. In early June, an orthopaedic surgeon was tragically killed while in the hospital by a patient. We urged our delegation to support the Safety from Violence for Healthcare Employees (SAVE) Act, H.R. 7961, would establish legal penalties for assaulting or intimidating hospital employees. The penalties are modeled after current protections for aircraft and airport workers. These enhanced penalties are intended to deter an uptick in violence and threats seen across the country.

Improving Access to Workers Comp for Federal Workers

We opposed H.R. 7087, the Improving Access to Workers Compensation for Injured Federal Workers Act. This legislation would permit nurse practitioners (NPs) and physician assistants (PAs) to diagnose, prescribe, treat, and

Congress More on page 14

**Workplace
violence for
healthcare
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been slowly
increasing,
especially over
the last two
years.**



Standing outside his office in the Rayburn House Office Building are, from left, Shafic Sraj, Felix Cheung, Ret and Teri Topping, Congressman Mooney, Manny Molina, Joe Prudhomme and Matt Hooper.

Orthopaedic
surgeons play
a critical role
in the workers'
compensation
system both at
the state and
federal level.

Congress More from page 13
certify an injury and extent
of disability for purposes of
compensating federal workers
under the Federal Employees'
Compensation Act.

Instead, we strongly support
physician-led, team-based
care, where each member
of the team possesses skills
that are complementary but
not interchangeable. Properly
designed and efficiently
run workers compensation
programs are crucial for
providing high-quality health
care to injured workers and
minimize their disabilities.
Because nearly one third
of permanent workplace
disabilities are musculoskeletal
in nature, orthopaedic surgeons
play a critical role in the



*Felix Cheung poses with our
legislative convert Matt Hooper.*



*Delegation members met with Sen-
ator Manchin's Legislative Direc-
tor Audrey Smith.*

workers' compensation system
both at the state and federal
level.

In addition to the legislative
issues we discussed with
Congressional staff and
Congressman Mooney, we also
left each office with a copy
of "No Bones About It: The
Opioid Issue." This contains
essays from high school
students who applied for the
2022 Josh Tuck Memorial
Scholarship earlier this year,
and can be seen in the photo
above.

*Ret and Teri Topping shared the
limelight with Diane Slaughter
with the Capitol Dome in the back-
ground (proving Diane can be in a
picture and not just taking them...).*



**In this important
mid-term election year, it's
more important than ever to
consider contributing to
[Ortho PAC](#)
to help make your voice
heard on issues of
importance to
orthopaedic medicine and
your patients!**

**The Connecticut
Orthopaedic Society got
100% participation
from its members...
WVOS can do that, too!**

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 AND HANDS ON THE WHEEL. JOIN THE
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