



the freudian slip

TREATMENT WORKS | RECOVERY IS POSSIBLE

WWW.ALABAMAPSYCH.ORG

APA urges support of FDA proposed reclassification of ECT devices

APA is leading a campaign to encourage members to support the U.S. Food and Drug Administration's proposed reclassification of electroconvulsive therapy (ECT) devices from the more restrictive Class III (high risk) to Class II (low risk).

We strongly urge you to submit a formal comment on the [Federal Register](#) site that explains why this reclassification could greatly improve access to safe, effective treatment for individuals with serious and persistent psychiatric disorders. A [template letter](#) has been prepared that provides talking points. **The FDA must receive comments by March 28 at 11:59 p.m.**

In 2009, the FDA also opened a public docket to receive comments regarding a similar reclassification proposal that closed in January 2010. At the time, the agency received over 3,000 submissions, with the majority of respondents (approximately 80 percent) opposing reclassification of ECT devices, and did not proceed with the reclassification. Currently, 546 comments have been submitted in favor of reclassification and 799 against it. **Your input matters!** As many of you know, ECT is appropriate for patients and has the potential to give them the opportunity for a normal, functional life.

For more information in *Psychiatric News* about prior efforts to reclassify ECT devices, see "[FDA Advisory Panel Favors ECT in High-Risk Category.](#)" APA also submitted a [formal letter](#) focusing on the evidence behind ECT. 

APPA Spring Conference: Practice Managers agenda has been finalized

In conjunction with the 2016 Spring Conference, APPA is offering a half-day session for practice managers. Representatives from American Behavioral, and Blue Cross and Blue Shield of Alabama will provide valuable information specifically targeted to psychiatric practices. Topics covered will include:

- American Behavioral relationship with VIVA
- Detailed description of ABBM departments and responsibilities
- Authorizations for services
- Employee Assistance Plans (EAPs) v. Managed Care Contracts
- Marketing to employers in our communities who service ABBM EAPs for employees.
- BCBS relationship between New Directions and MHCA
- New projects and undercurrent with behavioral health issues
- Taking questions and concerns back to MHCA, New Directions, etc.

AGENDA

See page 6 for the complete agenda or go to www.alabamapsych.org/administrators.

REGISTRATION

The registration fee is \$125 for practice managers of APPA members, and \$225 for non-members. Go to www.tinyurl.com/APPA2016SpringConference to register online, download a registration form from [APPA's website](#), or use the form on page 7. The registration fee includes a Friday night welcome reception on the Grand Lawn from 5:00 - 6:30 p.m., breakfast and lunch on Saturday. 

WHAT'S UP AROUND THE STATE...

Birmingham



BIRMINGHAM PSYCHIATRIC SOCIETY



For More information about the Birmingham Psychiatric Society, contact BPS President Paul O'Leary,

MD at dr.paul@me.com.

Central Alabama

For More information about the Central Alabama Society, contact Linda Teel at (334) 288-9009 ext. 207 or linda.teel@mpa1040.com.



Mobile



For more information about the Mobile Bay Psychiatric Society, contact James Hart, DO, at

jimfb@icloud.com.

Tuscaloosa

If you live in the Tuscaloosa area and would like to get connected with your fellow colleagues, check out the Tuscaloosa



Chapter of APPA. Contact Thaddeus Ulzen, MD, at tulzen@cchs.ua.edu for more information. 🌐



APPA's Spring Conference is in two weeks

Online registration will close Sunday, April 3

Don't miss out on the opportunity to attend APPA's Spring Conference. APPA leadership has lined up an outstanding group of speakers and the meeting has been approved for 12.5 *AMA PRA Category 1 Credits*[™]. (See full agenda and accreditation statement on page 5.)

You can learn more about our speakers in the weekly "Conference Notes" e-mails. If you have missed any of the past issues, they are located in the Events section of [APPA's website](http://APPAs website).

To see if rooms are still available at the Sandestin Golf and Beach Resort, call **Georgan Mason at (850) 267-6141** or email GeorganMason@Sandestin.com.

Register for the conference [online](#) or use the form on page 7. 🌐

Congratulations to 100% club members

The University of Alabama Medical Center (Gold) and the University of South Alabama (Platinum) have achieved 100% membership with APA and APPA. Way to go! 🌐

APA recognizes Life Members

The APA Board of Trustees and APPA Executive Council congratulate the following psychiatrists for their 50 years of membership in APA and APPA. These members will be recognized at the at APPA's Spring Conference in April and the APA Annual Meeting in Atlanta in May:

- Jacqueline Maus Feldman MD, Birmingham - Distinguished Life Fellow
- Emalyn Ann McDowell, MD, Dothan - Life Member
- David Dean Hall, DO, Montgomery - Life Member
- Francis Cleveland Kinney, MD, PhD, Birmingham - Life Member 🌐

APA Annual Meeting

The dynamic nature of mental health means you need to stay on top of advances to better serve your patients. What better way to do this than to learn from the world's largest and longest-serving psychiatric organization? The voice and conscience of modern psychiatry, the American Psychiatric Association currently represents a growing membership of 36,000 psychiatrists globally. Our member physicians work together to ensure humane care and effective treatment for all persons with mental disorders.

Visit psychiatry.org/annualmeeting/registration for details. 🌐

AMERICAN
PSYCHIATRIC
ASSOCIATION
ANNUAL MEETING
May 14-18, 2016 • Atlanta



Legal Watch: Recent changes to the Federal Stark Law

Contributed by Kelli Fleming, Burr & Forman LLP

Most physicians are aware of the federal Stark Law and the limitations it places on a physicians' ability to enter into financial relationships with potential referral sources. Can I refer patients to the physical therapy practice I own? Can I lease space and/or equipment from the hospital? Can I share my front desk personnel with another provider? These are questions we commonly hear from physicians who are navigating the complicated web of health care compliance under the Stark Law. Recent changes to the Stark Law enacted through the 2016 Medicare Physician Fee Schedule Final Rule (Final Rule) may provide added flexibility to physicians contemplating some of these types of arrangements.

The issuance of the Final Rule on Nov. 16, 2015, was the first time the industry has seen such broad changes to the physician self-referral law in several years. According to the Centers for Medicare and Medicaid Services (CMS), the changes are designed to "accommodate delivery and payment system reform, to reduce burden, and to facilitate compliance." The majority of the changes took effect Jan. 1, 2016.

The Stark Law prohibits a physician from referring Medicare or Medicaid patients for certain "designated health services" to entities with which the physician (or an immediate family member of the physician) has a financial relationship unless an exception applies. Any relationship in which remuneration (i.e., something of value) flows between the parties is considered a financial relationship under the Stark Law.

Designated health services (DHS) covered by the Stark Law include:

1. Clinical laboratory services;
2. Physical therapy, occupational therapy, and outpatient speech-language pathology services;
3. Radiology and certain other imaging services;
4. Radiation therapy services and supplies;
5. Durable medical equipment and supplies;
6. Parenteral and enteral nutrients, equipment and supplies;

7. Prosthetics, orthotics and prosthetic devices and supplies;
8. Home health services;
9. Outpatient prescription drugs; and
10. Inpatient and outpatient hospital services

The majority of the Final Rule changes address the exceptions to the Stark Law — in other words, the instances in which CMS has stated that a financial relationship is permitted between referring parties. While a summary of all the recent changes is beyond the scope of this article, I did want to highlight some of the more significant changes.

In the Final Rule, CMS established two new Stark Law exceptions. The first exception permits hospitals, federally qualified health centers (FQHC), or rural health clinics (RHC), to provide assistance to physicians to recruit and compensate non-physician practitioners (i.e., nurse practitioners, clinical nurse specialists, physician assistants, certified nurse midwives, clinical social workers, and clinical psychologists) under certain conditions. In other words, physicians can now receive recruitment incentives to attract non-physician practitioners to their practice.

In order to take advantage of the exception, among other things, at least 75 percent of the patient care services provided by the recruited non-physician practitioner must be primary care or mental health services. Further, the payment to the physician by the hospital, FQHC, or RHC cannot exceed 50 percent of the aggregate compensation, signing bonus, and benefits paid to the non-physician practitioner and must be consistent with fair market value. This new exception may only be utilized once every three years for a particular physician (unless the non-physician practitioner leaves prior to the expiration of one year) and there is a two-year limit on the assistance provided by the hospital, FQHC, or RHC.

The second new Stark Law exception permits time-share arrangements for the use of office space, equipment, personnel, items, supplies and services. The exception applies to arrangements that grant a right of permission to use the premises, equipment, personnel, items, supplies, or services, but not to arrangements that

transfer control over such items. While these types of arrangements have been in place for years and have been analyzed under other Stark Law exceptions, the new exception provides clarification and flexibility. There are some limitations, however, to the use of the new exception. For example, advanced imaging equipment (e.g., MRI and CT) and clinical or pathology laboratory equipment may not be used within the shared space. Further, compensation formulas based on revenue percentage or per-unit fees are prohibited.

In the Final Rule, CMS also clarified several existing Stark Law exceptions. While a discussion of all of the clarifications is beyond the scope of this article, I wanted to highlight a few:

- Many Stark Law exceptions contain a requirement that the arrangement be "in writing." However, sometimes physicians fail to enter into or sign a formal written contract prior to the initiation of the arrangement. In the Final Rule, CMS clarified that the "writing" does not necessarily need to be a single written formal contract, but rather can be a collection of contemporaneous writings that relate to each other and that document the relationship (e.g., e-mails, invoices, check requests, board meeting minutes, time sheets, etc.). A document produced after a referral is made, however, cannot be used to demonstrate compliance with respect to prior referrals. Nonetheless, despite the clarification, a single written contract remains the recommended method of documentation when possible

- Under the previous provisions, if a signature to an arrangement was missing, the parties had 30 days to obtain the missing signature if the omission was not inadvertent and 90 if the omission was inadvertent. Under the Final Rule, parties now have 90 days to obtain a missing signature regardless of whether the omission was inadvertent.

- For exceptions requiring a one-year arrangement, CMS clarified that the one-year term does not have to be directly expressed in the writing, provided the parties can show factual compliance with the one-year requirement through other documentation.

- Previously, under the exception for leases and personal services agreements, a

continued on page 4

SAVE **the** DATE

Coming Attractions

2016 APPA Spring Conference

April 8-10 | Reception – April 8 on the Grand Lawn
Sandestin Golf and Beach Resort | Destin, Fla.

Reserve your rooms now. We expect the resort to sell out.

2016 APPA Fall Conference

October 8 | Embassy Suites Hotel | Tuscaloosa

2017 APPA Spring Conference

April 21-22 | Montgomery Renaissance Hotel and Spa

2017 APPA Fall Conference (Tentative)

October 14 | Ross Bridge Resort, Birmingham

BCBS Alabama to require precertification on some physician-administered medications

Beginning April 1, 2016, a precertification will be required for some medications administered by a physician in an office setting as part of Blue Cross Blue Shield of Alabama's Physician-Administered Drug Review Program. Physicians who currently administer these types of medications will receive a letter with more information on which medications are affected and how to submit a precertification request.

Physicians should start the precertification process early by submitting a courtesy

predetermination to request for approval before the April 1 deadline.

Questions? Contact your Provider Networks consultant at (866) 904-4130.

[Download the Physician-Administered Precertification Drug List](#) 

Legal Watch, cont.

holdover period at the expiration of the agreement was limited to six months. In other words, if the agreement expired and the parties failed to enter into a new agreement, the old agreement could govern the relationship but only for a period of six months. The Final Rule allows for an indefinite holdover period on the same terms as the original agreement as long as the arrangement remains compliant with the applicable exception. However, amendments during the holdover period are prohibited. In light of this change, it is highly recommended that the parties review holdover agreements periodically to confirm that the arrangement remains compliant (e.g., that the payment remains consistent with fair market value).

- CMS clarified that when parties split-bill for services (e.g., hospital bills technical component and physician bills professional component), this alone does not create a financial relationship triggering the Stark Law between the parties.

- The Final Rule clarifies the definition of remuneration under the Stark Law does not include the provision of items, devices, or supplies that are used solely to collect, transport, process or store specimens or to order or communicate the results of tests or procedures.

Physicians contemplating arrangements that may fall under a Stark Law exception are encouraged to review these latest developments. Depending on the circumstances, some of the most recent changes may provide added flexibility and additional options for physicians. 

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APPA 2016 SPRING CONFERENCE AGENDA

APRIL 8-10 • BAYTOWNE CONFERENCE CENTER
SANDESTIN GOLF AND BEACH RESORT

FRIDAY, APRIL 8

12:00 p.m. – 1:00 p.m.
Conference Registration

1:00 p.m. – 1:15 p.m.
Opening General Session and
Welcome

1:15 p.m. – 2:15 p.m.
Peri Menopausal Mental Health
Issues

Anupama Yedla, MD
*Assistant Professor of Psychiatry,
UAB School of Medicine -
Huntsville*

2:15- 3:15 p.m.
Childhood Psychoses
Clinton Martin, MD
*Assistant Professor of Psychiatry,
UAB School of Medicine*

3:15 p.m. – 3:30 p.m.
Break

3:30 p.m. – 5:00 p.m.
Mental Health Parity
Coleen Coyle, JD
*American Psychiatric
Association General Counsel*

5:00 p.m. – 6:30 p.m.
Reception with Exhibitors on the
Grand Lawn

SATURDAY, APRIL 9

7:00 a.m. – 8:00 a.m.
Breakfast with Exhibitors

8:00 a.m. – 12:00 p.m.
Practice Managers Mini-
Conference

8:00 a.m. – 9:30 a.m.
Burnout in Physicians
Kenan Penaskovic, MD
*Assistant Professor
UNC School of Medicine*

9:30 a.m. – 10:30 a.m.
Therapies for Borderline
Personality Disorder: What Works
Robert Gregory, MD
*Professor and Chair of Psychiatry
and Behavioral Sciences,
State University of New York*

10:30 a.m. – 11:00 a.m.
Morning Break with Exhibitors

11:00 a.m. – 12:00 p.m.
Management of Delirium and
Agitation
Mark Haygood, DO
*Assistant Professor of Psychiatry,
University of South Alabama
College of Medicine*

12:00 p.m. – 1:00 p.m.
The Joy of Mental Health
Ramakanth Vemuluri, MD
Private Practice, Montgomery

1:00 p.m. – 1:30 p.m.
Business Meeting and Poster
Awards/Presentations

SUNDAY, APRIL 10

7:00 a.m. – 8:00 a.m.
Breakfast with Exhibitors

8:00 a.m. – 9:30 a.m.
Motivational Interview as a
Foundation for Recovery-Oriented
Mental Health Care
Michael Flaum, MD
*Clinical Professor of Psychiatry,
University of Iowa Carver
College of Medicine*

9:30 a.m. – 10:30 a.m.
Marijuana – Facts and Factoids
Ellen Ovson, MD
*Medical Director,
Bradford Health Services*

10:30 a.m. – 10:45 a.m.
Morning Break with Exhibitors

10:45 a.m. – 11:45 a.m.
Neurobiology of Suicide
Yogesh Dwivedi, PhD
*Professor of Psychiatry,
UAB School of Medicine*

11:45 a.m. – 12:45 p.m.
The Opioid Epidemic: What it was
Like, What Happened and What it
is Like Now
James Harrow, MD, PhD
*Medical Director,
Alabama Physicians Health
Program*

12:45 p.m.
Evaluation / Adjourn

Accreditation Statement

This activity has been planned and implemented in accordance with the accreditation requirements and policies of the Accreditation Council for Continuing Medical Education ACCME through the joint providership of the Medical Foundation of Alabama and the Alabama Psychiatric Physicians Association. The Medical Foundation of Alabama is accredited by the Medical Association of the State of Alabama to provide continuing medical education for physicians.

Designation Statement

The Medical Foundation of Alabama designates this live activity for a maximum of 12.5 AMA PRA Category 1 Credits™. Physicians should claim only the credit commensurate with the extent of their participation in the activity.



ALABAMA PSYCHIATRIC PHYSICIANS ASSOCIATION

2016 PRACTICE MANAGERS CONFERENCE AGENDA

**APRIL 9 • BAYTOWNE CONFERENCE CENTER
SANDESTIN GOLF AND BEACH RESORT**

SATURDAY, APRIL 9

7:00 a.m. – 8:00 a.m.

Breakfast with Exhibitors

8:30 – 9:00 a.m.

Welcome and Introductions

Jenah Wilson, River Region Psychiatry

9:00 a.m. – 10:00 a.m.

Representatives from American Behavioral will present on the relationship with VIVA; detailed description of departments and responsibilities of ABBM, authorizations for services; Employee Assistance Plans (EAPs) v. Managed Care Contracts; marketing to employers in our communities who service ABBM EAPs for employees.

Tricia Reaves, Provider Relations Specialist,
American Behavioral

Jacquelyn Drennin, Network Development
Manager, American Behavioral

10:00 a.m. – 11:30 a.m.

Representatives from Blue Cross and Blue Shield of Alabama will present on the relationship between New Directions, MHCA and Blue Cross, who to contact for what; New projects and undercurrent with behavioral health issues; and taking questions and concerns back to MHCA, New Directions, etc.

Robin Lewis, CPC, Senior Healthcare Networks
Consultant, Blue Cross Blue Shield of Alabama

Lillie Davis, Manager, Network Support, Blue Cross
Blue Shield of Alabama

11:30 a.m. – 12:30 p.m.

Round table discussion and lunch

**PLEASE MAKE PLANS TO JOIN US ON FRIDAY, APRIL 8,
FROM 5:00 - 6:30 P.M. FOR A RECEPTION ON THE GRAND LAWN.**

REGISTRATION

The registration fee is \$125 for practice managers of APPA members, and \$225 for non-members.

Go to www.tinyurl.com/APPA2016SpringConference to register online or download a registration from APPA's website and send completed form to:

APPA Spring Conference | Attn. Jennifer Hayes | PO Box 1900 | Montgomery, AL 36102-1900

ACCOMMODATIONS

Call Sandestin Golf and Beach Resort at (800) 622-1038 and mention the Alabama Psychiatric Physicians Association (group code 23A9M9) or book online at <http://www.sandestin.com/23A9M9.aspx>. Rates start at \$172 per night and apply for three days before and 3 days after the conference based on availability. For rooms larger than studio or one bedroom, or for beach side accommodations, call Georgan Mason at (850) 267-6141.



Caring for Psychiatric Patients through Each Stage of Life



APPA 2016 SPRING CONFERENCE REGISTRATION

APRIL 8-10 • BAYTOWNE CONFERENCE CENTER
SANDESTIN GOLF AND BEACH RESORT

Name _____

Address _____

City/State/Zip _____ Dietary Needs _____

Phone _____ Fax _____ E-mail _____

Office Contact _____ E-mail _____

FEES (Before April 1 | After April 1 add \$100)

- | | | |
|---|--|--|
| <input type="checkbox"/> Member \$300 | <input type="checkbox"/> Non-Member \$400 | <input type="checkbox"/> Student - Free |
| <input type="checkbox"/> Nonphysician Clinician \$170 | <input type="checkbox"/> Resident \$75 | <input type="checkbox"/> One Day \$100 (Sunday) |
| <input type="checkbox"/> One Day \$100 (Friday) | <input type="checkbox"/> One Day \$100 (Saturday) | <input type="checkbox"/> Practice Manager of APPA Non-member \$225 |
| <input type="checkbox"/> Practice Manager of APPA Member \$125 | <input type="checkbox"/> Practice Manager of APPA Non-member \$225 | |
| <input type="checkbox"/> Spouse and guests \$50 to attend meals and reception only (Name tags required) | | |

REGISTRATION

Go to www.tinyurl.com/APPA2016SpringConference to register online or send completed form to:
APPA Spring Conference | Attn. Jennifer Hayes | PO Box 1900 | Montgomery, AL 36102-1900

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DETAILS

More conference information is online at www.alabamapsych.org. If you have special needs and/or need assistance, please contact Jennifer Hayes, at (334) 954-2500 or JHayes@masalink.org.

PAYMENT

Credit Card: VISA MasterCard American Express

Cardholder Name _____

Card Number _____ Exp. Date _____ Security Code _____

Billing Address _____ City, State ZIP _____

Signature _____ Amount: \$ _____