

THE MAGNET™



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GEORGIA'S SOURCE FOR IMPORTANT PHYSICIAN INFORMATION

Risk Management Tips

When Medications Are Withdrawn from the Market ...

Earlier this month, Novartis advised physicians that at the request of the Food and Drug Administration, it was suspending U.S. marketing and sales of Zelnorm, (tegaserod maleate), a treatment for irritable bowel syndrome with constipation and chronic constipation. Physicians who have prescribed this medication or **any** medication recalled or withdrawn from the market would be prudent to establish simple and proactive plans of response. In addition to discontinuing prescriptions, physicians may consider the following general recommendations:

1. Identify patients who have been prescribed the drug and determine the clinically appropriate responses for their particular medical condition, including factors like the length of time the patient has taken the drug.
2. Post notices in the waiting room and, if feasible, contact affected patients by letter to inform them of the drug's withdrawal.
3. Develop a follow-up protocol and ask patients to contact you for alternative medications or treatments, as appropriate.
4. Physicians, nurses and physician's assistants or other qualified personnel should be trained and utilized to respond to patient inquiries.
5. Place an on-hold message on your phone system regarding the recall.
6. Refer patients to the manufacturer's Web site, in this case www.novartis.com or the FDA at www.fda.gov, for detailed information.

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MAG Mutual Board's Need Receives Award

Last month, Dr. John Neeld, a MAG Mutual Board member and anesthesiologist with Northside Anesthesia in Atlanta, received Northside Hospital's Ninth Annual John McCoy, M.D., Award. Northside's President and CEO Bob Quattrochi presented Dr. Neeld with the award, which recognizes a staff physician who exhibits strong leadership qualities, gives significant time and energy to the development of excellence at Northside, and



also contributes to the community as a whole. Dr. Neeld accepted the award, stressing the importance of doing "the right thing" in his speech. Dr. Neeld has served on the MAG Mutual Board since 1998.●

Look at Us Now

Ever misplaced your MAGnet newsletter and really wanted to read one of the articles? Or have you needed an updated risk management handbook but didn't want to wait for a CD to come by mail? Well, we have good news. MAG Mutual recently launched its updated, more user-friendly Web site, www.magmutual.com. Now all the risk management information, medical liability insurance news and MAG Mutual newsletters you need are easier than ever to access.

Take a few moments to see the new site and look for these highlights:

- Policyholder service options
- Our expanded Risk Management section that offers news and articles, Risk Manager newsletters, CME programs and seminars, new physician and small practice resource centers. Ask a Risk Manager and sample forms
- MAGnet newsletters
- Product and service information from all of MAG Mutual

Also, you can see and order almost any resource publication at www.coderscentral.com.●



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*Need an interesting speaker?
MAG Mutual's Speaker Bureau can
help. Contact Steve Davis at
1-800-282-4882.*

(Physician Recommendations for Medications Withdrawn from the Market, continued from page 1)

If a patient alleges you were in any way negligent by prescribing any withdrawn medication, please contact MAG Mutual Insurance Company's Claims Department at **1-800-282-4882**.

*MAG Mutual does not presume to establish any standard of care or establish rules for the practice of medicine. The particular patient-care strategies or range of patient-care strategies mentioned in this article should be tempered by the physician's judgement.

Billing Consultations — Are You at Risk for Fines and Penalties?

Consultations, particularly outpatient consultation codes (CPT codes 99241-99245), may be the next audit target for Medicare. According to a 2006 draft report released by the Office of Inspector General, Medicare paid more than \$1.1 billion in improper payments for services billed as consultations. The most common error occurs when an encounter should be billed as an office visit vs. a consultation. Consultations billed inappropriately can result in thousands or even millions of dollars in fines and penalties. If the government takes the position that the billing errors were false or fraudulent, a physician could face paying up to three times the overpayment amount plus \$5,500 to \$11,000 per claim.

By definition, a consultation is one physician asking for the opinion or advice of another physician or qualified source. Medicare clarified consultation requirements in December 2005, stating that a request for consultation must be in writing and it must be included in the requesting physician's records.

A comprehensive, tailored compliance program that includes regular audits to check for coding errors is the best defense. For more information, please contact Dan Johnson, MAG Mutual Healthcare Solutions Inc., at **678-602-1908** or djohnson@magmutual.com.

As added protection, MAG Mutual Insurance Agency, LLC, also offers Physicians Regulatory Compliance insurance. This product protects practices from fines and penalties if it is targeted for a Medicare audit. For more information, please contact Chip Goen at **1-800-294-1735**.

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