Guest Author Jennifer Searfoss, Esq.: What Can an Attorney Do For a Medical Practice?

There are moments when the physician-centric world needs to engage an attorney. Please don’t hesitate to pick up the phone when the FBI shows up with a search warrant!

There are other moments when you and the physicians you work with do not need an attorney for boiler-plate contracts. How do you tell the difference?

What an attorney can do for you

Areas that an attorney can help your office include (but by no means are limited to):

- Audit requests from RACs and insurers
- Contractual and corporate organization documents
- Human resource issues
- Credentialing and privileging disputes
- Ethical and disciplinary reviews
- Quality, peer-review and risk management

Just this month, questions have been raised on what policies medical offices should have around **social media** and whether there is a need to monitor employee communication. What policies do you have about employee use of social media during non-working hours about their experience at the office? What can you legally restrict? What obligations do you have to monitor employee social media to ensure compliance with your policy and federal privacy regulations to protect your patients? It’s the complexity of these questions, the moving nature of case law on employment law and social media, as well as the individual nature of your office that may necessitate the engagement of an attorney.

Legislative and regulatory issues

Keeping abreast of the moving parts that regulate how your medical office does business is a full time job. Having a relationship with a qualified health care attorney can help you weed through the changes at the local, state and federal level.

For example, a recent federal proposed rule would require certain medical facilities to offer all patients an annual influenza vaccination. Writing a response to this proposal may not be something that you need to keep at the front of your daily to do list. But your voice is very important to the development of the regulation. While medical societies and other industry groups may comment, they are more academic about the approach and cannot cater their response to the direct impact the policy proposal would have on your practice. Imagine if you worked at a hospital. How would you give flu vaccines to all of your patients? How much staff time would it take? Where would you store the vaccines? It is this story that will most effectively shape how a policy is finalized. Lawyers are able to help you navigate the tricky waters on how to draft comments, get them submitted on deadline and even help on getting recognition by lawmakers for novel feedback.

The same can be said of state and local initiatives. A qualified attorney can keep you up-to-date on legislative activities that could or will directly impact you, your physicians and your staff. When needed, they can get you prepared to testify before committees and help with talking points before the lawmakers at are specific to the needs and concerns of your medical practice.

How to identify an attorney right for your group

Health care is often cited as being one of, if not THE, most regulated industry in the United States. Thus, it is imperative for you to find legal counsel that understands the unique nature of health law. Simply, it is my opinion that health law has such a learning curve that **a lawyer cannot just dabble in health care issues.** When I receive a question about how to find the right attorney, I usually respond with: “If you ask them what Stark is, and they respond – You mean stark naked? – you should keep looking.”

Also, like medical professionals, the legal scope of practice is regulated by the state and likely a code of ethics. However, unlike physicians, licensing is not as easily transferred between states. And as noted above, each state has its own set of laws that dictate how medicine is administered. This means that you need to **find a local attorney**.

There are two national associations that address health law. They include the American Health Lawyers Association and the Health Law Section of the American Bar Association. Likewise, most state and local bar associations also have sections focused on health law. You may be able to get referrals to local attorneys that are members of these associations. More simply, ask the candidate attorney if they are a member of these groups.

And maybe if they know what Stark is.

Jennifer was formerly the Vice President of External Provider Relations for UnitedHealthcare, a Minnesota-based health insurance company. Between 2001 and 2007, Jennifer worked for the Washington, DC-based Government Affairs Department of the

Medical Group Management Association (MGMA), a national trade association based out of Englewood, Colorado. Jennifer received her undergraduate degree in health science and policy from the University of Maryland, Baltimore County and law degree from the University of Maryland. After a brief departure, Jennifer has returned home and lives in Annapolis, Maryland with her Rottweiler, Argus, and her first client of every day – her beloved Quarter Horse – Pressed for Time. Jennifer is Principal, **Searfoss & Associates, LLC**. She can be contacted **here** or at 443-837-5548.

---

76 Ways to Use the Cloud in Your Medical Practice (or Any Business)

I've had a lot of questions since last week when I offered to help readers "get on the cloud." Most people want to know – what exactly does getting on the cloud mean?

The term cloud comes from both the look of technical drawings which depict the relationship between cloud services and consumers, and is also a metaphor for the fact that cloud service providers exist out of sight in some distant location. My favorite definition of the cloud is "Using the Internet to store, manipulate and deliver data." Here are 76 ways to do just that!

SECURITY & RISK MANAGEMENT

1. Decide user by user which files and folders each employee or stakeholder may have access to. Decide if

the user may view information, upload information, download information, invite other collaborators or edit documents. Change the user’s permission instantly, or eliminate their access to everything on the spot.

2. Store critical documents: letter of incorporation, Tax ID assignment, Medicare letters, shareholder agreements, by-laws, etc.
3. Scan in any and all documentation of lawsuits and or legal correspondence about patients.
4. Collate logon information for important sites: CAQH, NPPES, PECOS, state board, specialty board, etc.
5. Collect all information needed for credentialing and privileges for all providers in one easy place: CV, photo, license, board credentials, DEA, state registration, malpractice, references, etc. Keep copies of all credentialing applications in the same file.
6. Keep a licensing and privileges spreadsheet for all professionals so deadlines don’t take you by surprise. Include CPR, ALSC, DEA, state licenses, and board certification and recertification.
7. Never worry if you’ve locked your office, your file cabinet or your desk again. Your information is safe in the cloud.
8. Store important logons and passwords on the cloud along with instructions and know that if something happens to you, the business will recover quickly.
9. Have employees watch for health fairs and special events that your practice can participate in. Develop a calendar for community events that you can prepare for annually.

INFORMATION SHARING

1. Share files up to 2GB (images, video, audio, text)
2. Turn a folder into a public web page.
3. Start a secure referrers’ area and give access to those practices that refer to you. Stock it with FAQs,

referral forms, maps and directions to your practice, and phone numbers and emails for communication. Keep a referrer satisfaction survey on their pod at all times.

4. Push the patient schedule into the cloud so any provider can check their schedule at any time from anywhere.
5. Store building or suite blueprints.
6. Develop a practice glossary to document all abbreviations and specialty-specific terminology – very helpful for new employees and transcriptionists.
7. Make a secure education area for your patients which they can access from your website or in your waiting area on iPads. Include websites, blogs, patient satisfaction and other surveys, health tracking programs, etc.
8. For those providers on productivity bonuses, push a productivity report to the cloud for them to review privately.
9. Put staff education programs on the cloud for new employee orientation and annual training on compliance, OSHA, HIPAA, fire safety and disaster communication plans.
10. Post photos of the office picnic or Christmas party, or the new baby, or the bride and groom.
11. Use the cloud as a digital scrapbook of events, new employees, new services, accolades, advertising or publicity.
12. Pass around a digital birthday greeting card to all staff except the one having the birthday!
13. Post a job on craigslist. Once you have a group of candidates you want to consider, give them a link to a folder with the position job description, benefits schedule and in-depth information about the hiring time line.
14. Post lunch menus for restaurants and take-outs within several miles of the practice so employees can get lunch efficiently and quickly.
15. Post the office schedule for the year showing which

dates the office will be closed for holidays.

16. Post the call schedule and let your answering service and the hospitals view it.
17. Publish your weekly practice newsletter on the cloud – it becomes an instant record of when and how things were communicated.

BUSINESS MANAGEMENT

1. Scan invoices to the cloud for storage once you've paid them.
2. Scan invoices to the cloud for an external bookkeeper to access and pay them.
3. Scan invoices to the cloud for a physician to approve them for payment.
4. Scan the daily accounts receivable work (EOBs, checks, deposit slips, denials, reconciliations) to the cloud and shred the originals at the interval of your choice.
5. Scan documents to the cloud when you are notified that employees are having monies withheld from their paychecks for child support or garnishment, or when they change their deposit information or retirement plan contribution.
6. Track the history of files and folders – when did we change this policy? When did we go to this compensation system? What was the original wording of this contract?
7. Generate reports on employee productivity, looking for patterns of collaboration and innovation.
8. Scan RAC, CERT, ZPIC and other audit letters when they come and keep a spreadsheet of dates records and appeals are due.

COLLABORATION

1. Have online meetings centered around documents in the cloud.
2. Post job protocols and empower employees to change

protocols regularly as information and routines change.
3. Start a CME log for each provider that the providers can easily add to.
4. Have your employees collect stories, links and other items in the cloud to push to your Facebook page or website blog.
5. Keep minutes from physician meetings and request all physicians review, ask for changes and sign off.
6. Keep attendance and minutes from staff meetings and ask all staff to electronically sign the minutes.
7. Have each employee keep a continuing education log for face-to-face and online education.
8. Assign tasks. Place something on the cloud and assign staff to respond to it, change it, develop it or implement it.

INCREASE EFFICIENCY

1. Develop a “How Do I?” document for quick information new employees need to know and established employees may not remember. Some examples: How do I reach the inclement weather information line? What do I do if there is a blood spill in the practice?
2. For the manager – develop a staff roster with dates of hire, dates of birth, social security numbers, phone numbers, hourly wage and termination dates. One document will answer 25% of questions you have or others ask you every day.
3. Standardize protocols and information when you have multiple sites or divisions.
4. Show each employee how to keep their most-used files on their digital desktop to access without a logon and password.
5. Sync desktop folders to cloud folders automatically – documents are updated to the latest version without thinking about it.
6. Restructure your files and folders as many times as you

want or need to. Rename files, move and copy files, and delete files if they are not serving the purpose you thought they would.
7. Expand the number of users instantly for special projects.
8. Put every form on the cloud, have employees complete them on the cloud, sign them electronically, then share them with you for your electronic signature.
9. Put new templates or forms on the cloud for everyone to draw from – eliminate old letterheads, logos, addresses, etc. instantly.

IMPROVE MOBILITY

1. Fax documents from the cloud to a fax machine.
2. Email files from anywhere.
3. Search for anything in your cloud by words or phrases. Never lose anything again!
4. Access the cloud from anywhere and from any device – smartphone, PC, iPad…
5. Put the patient schedule information into the cloud so if inclement weather hits, staff can access the schedule at home and contact patients about their appointments.
6. Access your business 24/7/365.

DAY-TO-DAY MANAGEMENT

1. Assign a folder for your CPA to be notified when financials are available for download, or for you and the physicians to be notified when s/he finishes the financials or taxes.
2. Assign a folder for your benefits broker to be notified when new employee applications for medical and dental benefits are available for download.
3. Assign a folder for your banker to be notified when quarterly financials are available for download.
4. Assign a folder for your physicians/owners to be

notified when monthly or quarterly financials are available for their review.

5. Post practice calendars for paid time off requested and approved.
6. Develop a physician referral resource tool if your PMS does not organize that information well. Create your own spreadsheet with all the fields of information that are important to your practice and have all employees add to it and correct it routinely. Have someone in the practice or a temp or prn person call every practice/group on the list twice a year and confirm all the pertinent information.
7. Post a “Who Covers Whom” list that spells out who covers primary responsibilities in the practice when someone is out of the office. Building your team 3 deep (for every primary task, there are at least 3 people that can perform that task) is crucial for reducing vulnerability.
8. Video new employees answering a few questions about themselves and post it on the cloud for all staff to view.
9. Put video of all staff introducing themselves and telling what they do on the cloud for new employees to view.
10. Video benefit providers discussing benefits so employees can watch at any time – medical insurance, dental insurance, vision insurance, short and long-term disability, life insurance and retirement benefits. Employees will get more out of and become more aware of what their benefits are.
11. Make an easy-reference spreadsheet with the payer contracts listed and images of the plan cards for staff to be able to identify the contracts and plans in force at any given time.
12. Keep personnel files on the cloud. You may choose to have a file of documents the employee may see and get a copy of, and a file of documents they may not see or get

copies of. Both can be a part of the same folder.

13. Store scripts for your messages on hold, your after-hours message and your scripting for employees.

SAVE MONEY

1. Increase storage space without buying any hardware or software.
2. Scan charts into the cloud as a preliminary repository before implementing EMR, or scan charts of inactive patients in so you don’t have to pay to store them offsite.
3. Never back-up your documents on your computer again.
4. Put your triage algorithm or flow sheet on the cloud. Hire nurses to triage from home.
5. If a manual doesn’t come electronically, scan it onto your cloud. Check the manual before you call the repairman.
6. Preserve your valuable employee knowledge – have each department develop a folder with the important resources for their staff. The billing department may have websites they refer to for coding questions, a primer on evaluation and management coding, a cheat sheet on standard practice fees, and a calendar for the times of the year that different updates and revisions to CPTs, ICDs and NCCI edits.

What Does a Medical Practice Manager Do?

Whether the title is manager, medical practice manager, physician practice manager, administrator, practice administrator, executive director, office manager, CEO, COO, director, division manager, department manager, or any combination thereof, with some exceptions, people who manage physician practices do some combination of the responsibilities listed here or manage people who do.

Human Resources: Hire, fire, counsel, discipline, evaluate, train, orient, coach, mentor and schedule staff. Shop, negotiate and administer benefits. Develop, maintain and administer personnel policies, wellness programs, pay scales, and job descriptions. Resolve conflicts. Maintain personnel files. Document Worker's Compensation injuries. Address unemployment inquiries. Acknowledge joyful events and sorrowful events in the practice and the lives of employees. Stay late to listen to someone who needs to talk.

Facilities and Machines: Shop for, negotiate, recommend, and maintain buildings or suites, telephones, hand-held dictation devices, copiers, computers, pagers, furniture, scanners, postage machines, specimen refrigerators, injection refrigerators, patient refreshment refrigerators, staff lunch refrigerators, medical equipment, printers, coffee machines, alarm systems, signage and cell phones.

Ordering and Expense Management: Shop for, negotiate and recommend suppliers for medical consumables, office supplies, kitchen supplies, magazines, printed forms, business insurance, and malpractice insurance as well as services such as transcription, x-ray reads/over-reads, consultants, CPAs, lawyers, lawn and snow service, benefit administrators, answering service, water service, courier service, plant service, housekeeping, aquarium service, linen service, bio-hazardous waste removal, shredding service, off-site storage and caterers.

Legal: Comply with all local, state and federal laws and guidelines including OSHA, ADA, EOE, FMLA, CLIA, COLA, JCAHO, FACTA, HIPAA, Stark I, II & III, fire safety, crash carts and defibrillators, disaster communication, sexual harrassment, universal precautions, MSDS hazards, confidentiality, security and privacy, and provide staff with documentation and training in same. Make sure all clinical staff are current on licenses and CPR. Have downtime procedures for loss of computer accessibility. Make sure risk management policies are being followed. Alert malpractice carrier to any potential liability issues immediately. Make sure medical records are being stored and released appropriately.

Accounting: Pay bills, produce payroll, prepare compensation schedules for physicians, prepare and pay taxes, prepare budget and monthly variance reports, make deposits, reconcile bank statements, reconcile merchant accounts, prepare Profit & Loss statements, prepare refunds to payers and patients, and file lots and lots of paperwork.

Billing, Claims and Accounts Receivable: Perform eligibility searches on all scheduled patients. Ensure that all dictation is complete and all encounters (office, hospital, nursing home, ASC, satellite office, home visits and legal work (depositions, etc.) are charged and all payments, denials and adjustments are posted within pre-determined amount of time. Transmit electronic claims daily. Send patient statements daily or weekly. Negotiate payer contracts and ensure payers are complying with contract terms. Appeal denials. Have staff collect deductibles, co-pays and co-insurance and have financial counselors meet with patients scheduling surgery, those with an outstanding balance, or those patients with high deductibles or healthcare savings plans. Make sure scheduling staff know which payers the practice does not contract with. Liaison with billing service if billing is outsourced. Credential care providers with all payers. Perform internal compliance audits. Load new RBRVS values, new CPTs and new ICD-9s annually. Run monthly reports for physician production, aged accounts receivable, net collection percentage and cost and collections per RVU. Attach appropriate codes to claims for e-prescribing and PQRI. Have plan in place for receipt of Recovery Audit Contractor (RAC) letters. Make friends and meet regularly with the provider reps for your largest payers.

Marketing: Introduce new physicians, new locations and new services to the community. Recommend sponsorship of appropriate charities, sports and events in the community. Recommend sponsorship of patient support groups and keep physicians giving talks and appearing at events. Thank patients for referring other patients. Track referral sources. Recommend use of Yellow Pages, billboards, radio, television, newspaper, magazine, direct mail, newsletters, email, website, blog, and other social media. Prepare press releases on practice events and physicians awards and activities. Recommend practice physicians for television health spots.

Strategic Planning: Prepare ROIs (Return on Investment) and pro formas for new physicians, new services, and new locations. Forecast potential effect of Medicare cuts, contracts in negotiation or over-dependence on one payer. Discuss 5-year plans for capital expenditures such as EMR, ancillary services, physician recruitment, and replacement equipment. Explore outsourcing office functions or having staff telecommute. Always look for technology that can make the practice more efficient or productive.

Day-to-day Operations: Make the rounds of the practice at least twice a day to observe and be available for questions. Arrange for temporary staff or rearrange staff schedules for shortages, meet or speak with patients with complaints, and meet with vendors, physicians and staff. Open mail and recycle most of it. Unplug toilet(s).

Stay Current in Healthcare: Attend continuing education sessions via face-to-face conferences, webinars, podcasts and online classes. Maintain membership in professional organizations. Pursue certification in medical practice management. Network with community and same specialty colleagues. Participate in listservs, LinkedIn and Twitter.

What did I leave out? Take a lunch?

Read my post on "How Much Do Medical Practice Managers Make?" **here.**