

New Jersey Academy of Otolaryngology-Head & Neck Surgery
New Jersey Academy of Facial Plastic Surgeons

April 2013

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**NJ Academy of Otolaryngology-Head & Neck Surgery/NJ
Academy of Facial Plastic Surgeons**

presents

30th Annual Symposium

5.5 AMA PRA Category 1 Credits

April 10, 2013

7:30 am- 3:30 pm

PNC Bank Arts Center

Holmdel, NJ

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Endoscopic Surgery for Frontal Sinus Disease: A Graduated Approach

Jean Anderson Eloy, MD, FACS

Allergy and the Otolaryngologist, A Beginner's Approach

Diego Saporta, MD

Sialoendoscopy and Minimally Invasive Approaches to the Salivary Glands

Michael Turner, DDS, MD, FACS

Legal Update

Denise L. Sanders, Kern Augustine Conroy & Shoppmann, PC

Practical Flap Repair of Facial Skin Cancer Defects

Sigmund Sattenspiel, MD

Radio Frequency Treatment for Facial Skin Laxity

Paul Carniol, MD

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EXCLUSIVE NJAO-HNS/NJAFPS MEMBER BENEFIT!

WB Mason teams up with NJAO-HNS/NJAFPS for office savings!

Through the NJAO-HNS/NJAFPS Buying Group your practice can save 10% or more with W.B. Mason on general office products, janitorial/break room supplies, coffee, print/promotional material, Water coolers and filtration systems when we compare recent* invoices from your current Supplier. W.B. Mason is not offering an additional 10% on product categories that you are currently purchasing through WB and the discount only applies to new opportunities within your organization. To receive the discount please contact your W.B. Mason Sales Representative and let them know you have a relationship with the NJAO-HNS/NJAFPS Buying Group and reference this email to start receiving the benefits.

From the Statehouse

Advocacy and Management Group

LEGISLATURE BREAKS FOR BUDGET HEARINGS

The majority of the New Jersey Legislature will break for the month of April, while the Senate Budget and Appropriations Committee and the Assembly Budget Committee conduct hearings. Hearings will take place through May as each State department is called before the Budget Committees to discuss the Governor's proposed budget. These hearings allow the Committees to investigate proposed spending in order to make revisions before the budget is voted on by both houses. The final budget must be passed by both the Senate and the Assembly by midnight on June 30th, at which point Governor Christie will sign the fiscal year 2014 budget.

There are currently 7,243 bills introduced in the Senate and Assembly for Session 2012-2013. Minimal routine legislation will take place during the budget break from April through May 2013. The Advocacy & Management Group will closely monitor the budget hearings and will report on any significant decisions made by the Committees.

LEGISLATION ATTEMPTS TO BETTER UNDERSTAND PHYSICIAN SHORTAGES

Legislation sponsored by Assembly Health Committee Chair, Herb Conaway (D-7), as well as Assemblywoman Lampitt (D-6) and Assemblyman Ramos (D-33) will attempt to address the lack of comprehensive understanding by the State on physician shortages within New Jersey. The bill would require physicians to complete a survey as a condition for biennial registration with the Board of Medical Examiners. The bill is based on a recommendation from the New Jersey Physician Workforce Task Force Report by the New Jersey Council of Teaching Hospitals. The Task Force cited the need for better data to provide comprehensive information that will help address future shortages in both primary care and specialty areas. This lack of data has also negatively impacted the State's ability to qualify for J-1 visa positions and federal loan repayment funding. The data collected will not be made available to outside sources in any manner that would link a physician's name and scope of practice with his/her responses. The bill now awaits the Governor's approval.

New LLC Act Takes Effect: The New Jersey Revised Uniform Limited Liability Company Act (NJRULLCA) became effective March 18, 2013, and applies to all Limited Liability Companies (LLCs) formed after that date. An LLC formed on or before that date can formally opt to have the new law govern its operations or can wait until March 2014 when it will automatically apply to every New Jersey LLC, regardless of date of formation. NJRULLCA is intended to update and improve New Jersey's LLC Act. However, if an LLC's operating agreement is silent on certain matters, NJRULLCA's default provisions will kick in, with potentially detrimental effects on the LLC or its members.

New Jersey Regulatory Activity:

Dept of Health: Surgical Practice Registration renewal applications were due to the Department by March 31, 2013.

Dept of Health: Has issued a Public Health Alert on measles exposure, due to confirmed cases in Somerset County. See the frequently asked questions for physicians and other providers, New Jersey Department of Health Vaccine Preventable Disease Program Measles Clinical FAQs, March 15, 2013, Measles Exposures in NJ, at: http://www.state.nj.us/health/documents/measles_faq_clinic.pdf. The DOH advises concerned members of the public to contact their health care provider before going to a medical office or the emergency room. Additionally, a call center has been opened to answer provider and public questions at 1-866-341-9788.

State Board of Pharmacy - Proposes amendments, repeals, recodifications, and new rules governing the compounding of sterile and non-sterile preparations in both retail and institutional pharmacy practice settings, imposing various recordkeeping and compliance requirements upon licensees including requiring pharmacists-in-charge to report all confirmed incidents of product contamination of sterile and non-sterile compounded preparations to the Board of Pharmacy within 48 hours of becoming aware of such incidents. See the proposal at: <http://ow.ly/ja0kB.In> a March 15th agreement with the Board, a Monmouth County pharmacy temporarily halted operations following recall of intravenous products. Subsequently, the parties entered into a second consent order with Med Prep Consulting Inc., a compounding pharmacy in Tinton Falls, to further extend the temporary cessation of all of Med Prep's pharmacy activities pending further examination into the cause of contamination found in magnesium sulfate products compounded by the company. Under the terms of that order, Med Prep agreed to remain closed until at least April 5, while the State Division of Consumer Affairs and its Enforcement Bureau, in partnership with the Board, the NJ Department of Health, the FDA, and the CDC, continue to investigate the root cause of the contamination found in the Med Prep products. See: <http://nj.gov/oag/newsreleases13/pr20130322c.html>.

Dept of Banking & Insurance - Adopts amendments to its rules governing managed care plan provider networks, addressing: 1) access to network pricing; 2) concerns about the timeliness of credentialing new network participants; 3) the accuracy of network status described in provider directories; 4) carriers using regulatory filing requirements as a pretense for not agreeing to desired contract terms; 5) carriers "leasing" their networks to third parties without any ability of a participating provider to identify a patient to a carrier contract; 6) carriers unilaterally making changes during the term of the contract which affect terms previously negotiated; and 7) carriers unilaterally making other

adverse changes during the term of a contract without providing an avenue for termination or rejection of the change. See the adoption at:
<http://www.state.nj.us/dobi/proposed/ad130315.pdf>.

Dept of Banking & Insurance - Issues Bulletin 13-04 regarding Alternative Health Care Financing & Delivery Models, reminding carriers and their health care physician and provider partners that entities such as Accountable Care Organizations and Patient-Centered Medical Homes should be reviewed to ensure compliance with all statutory and regulatory requirements. When an entity undertakes to act as an intermediary between a health insurance carrier and an ultimate provider of health care services, that relationship may trigger NJ's requirements for licensure or certification as an Organized Delivery System. See the Bulletin at:<http://www.state.nj.us/dobi/bulletin.shtml>.

FTC Addresses Physician-Hospital Integration: The Federal Trade Commission (FTC) has joined Idaho's Attorney General in an antitrust complaint against St. Luke's Health System, challenging its acquisition of Idaho's largest independent multi-specialty physician group, which gives the combined entity approximately 60% market share of primary care physicians in Idaho's second largest city. A private lawsuit filed by two of St. Luke's competitors is also pending. See the FTC announcement at:<http://www.ftc.gov/opa/2013/03/stluke.shtm>. Last month, the FTC announced it will not challenge the formation of the Norman, Oklahoma Physician Hospital Organization, concluding that the network's proposed activities, including pricing agreements, do not appear to unreasonably restrain trade. Access the FTC's advisory opinion at:
<http://www.ftc.gov/opa/2013/02/healthcare.shtm>.

National Health Security Legislation Enacted: In an unusual bi-partisan effort, Congress has overwhelmingly passed, and President Obama has signed, the Pandemic & All-Hazards Preparedness Reauthorization Act of 2013 (PAHPA) intended to ensure the country is prepared to manage the effects of natural disasters, infectious disease outbreaks, and acts of bioterrorism. Among other things, PAHPA: 1) supports and streamlines development and deployment of medical countermeasures needed to combat chemical, biological, radiological and nuclear agents; 2) makes needed drugs and devices available more quickly in disasters and emergencies; 3) improves public health preparedness, hospital preparedness and medical surge capacity in cases of mass casualty emergencies; and 4) focuses attention and resources on the Strategic National Stockpile, the country's national repository of antibiotics, vaccines, and critical medical equipment and supplies for use in disasters, including resources for the development, stockpiling and proper deployment of medical countermeasures for children and at-risk individuals. Access PAHPA at:<http://ow.ly/ja1xp>.

For more information on the above items, contact Bob Conroy (conroy@drlaw.com) or Denise Sanders (sanders@drlaw.com) at Kern Augustine Conroy & Schoppmann. Or call KACS at 1-800-445-0954.