



DOCTOR'S DIGEST[®]

Your Guide to
Practice
Management

Sept/Oct 2005

Physicians' Legal Handbook

Dealing With Rising Malpractice Premiums

Protecting Your Practice and Holdings

Stay on the Right Side of Employment Laws

Regulatory Issues Present Burdens for Practices

What You Need to Know Before Signing Contracts

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DOCTOR'S DIGEST

Physicians' Legal Handbook

By Joan Szabo

ABOUT THE AUTHOR

Joan Szabo has written about business and health issues for the past 25 years. Before becoming a full-time freelance writer in 1995, she was senior editor for Nation's Business, published by the U.S. Chamber of Commerce. She has written for a number of healthcare publications, including Physicians Financial News, Medical Laboratory Observer, Physicians Practice and the Joint Commission Perspectives on Patient Safety newsletter. She is the author of Maximizing Practice Profits (Doctor's Digest, Mar./Apr. 2005).

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Introduction



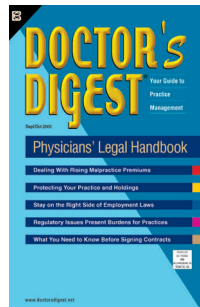
*D*ear Doctor:

First, we'd like to thank our readers who participated in the Reader Survey in the last issue. If you missed it and would like to express your opinions on the topics that you'd like to see covered in future issues of Doctor's Digest, you can log on to our Website, www.doctorsdigest.net, and take the survey. Your input is important to us. With continual changes in healthcare, technology and reimbursement, we promise to provide you with the information you need to manage your practice efficiently so that you can provide high-quality care to your patients.

One thing we've learned from our research into physicians' information needs is that billing and coding issues are very important to you. So beginning in this issue, we are launching Doctor's Digest *detachable* Pocket Coding Guide. This handy card will offer you ways to increase revenue in your practice. This resource is written by Kristine Eckis, president of BottomLine Medical Administrative Consultants, a practice management firm based in Lake Wales, Fla. Kristine consults with medical practices nationwide, providing evaluations and recommendations for operational improvements in order to bring practices up to peak performance. Her evaluations focus on accounts receivable management and proper coding in order to maximize revenue while avoiding potential fraud-and-abuse actions. Look for the Pocket Coding Guide on the detachable Bookminder insert in the middle of this issue. In addition, you can find more valuable coding tips on our Website, www.doctorsdigest.net.

We received a lot of feedback on our last issue, Resolving Practice Dilemmas. We're hoping that this edition, Physicians' Legal Handbook, also strikes a nerve. It offers solutions to many legal issues medical practices face, from spiraling medical malpractice premiums to the basics of all types of contracts. It also covers employment laws, Medicare fraud and abuse, HIPAA and other regulations, as well as strategies for protecting your practice from all kinds of pitfalls—from a slip-and-fall lawsuit to a natural disaster.

Keep letting us know what's on your minds. And we'll continue to provide the information you need to flourish in a changing medical marketplace.



Jeannette

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Physicians face liability when they provide care to patients, when they hire or fire employees, when they file Medicare claims and when they enter into business deals or other contractual arrangements. Doctors, like other business people, can be sued if a patient or other visitor slips and falls in the office. In this increasingly litigious society, legal perils are everywhere.

This edition of Doctor's Digest seeks to guide you through the legal minefield and steer you away from potential liability. In it, you'll find an analysis of the medical malpractice environment and what you can do to cope with spiraling liability insurance premiums. Also, you will learn about other types of legal risks inherent in medical practice—violations of any of the increasing number of regulations that govern workplaces and the practice of medicine. Equal employment laws, wage and hour rules, Medicare fraud and abuse, the Stark regulations, HIPAA—the list seems to go on endlessly.

Author Joan Szabo interviewed a number of legal and practice management experts in producing this volume. The members of our Advisory Board make up a formidable legal and management team. Neil B. Caesar, president of The Health Law Center in Greenville, S.C., has practiced healthcare law for over 20 years. Paul Cherner, an attorney with the Chicago firm of Hinshaw & Culbertson, has more than 30 years experience in advising businesses on compliance with labor and employment laws. Mark Langdon of the Washington, D.C., law firm Arent Fox, is an expert on federal regulatory compliance issues. Max Reiboldt, managing partner of The Coker Group in Alpharetta, Ga., has extensive experience in all areas of medical practice administration. And Karen Zupko, who heads a Chicago practice management firm, has been helping physicians navigate the waters of America's healthcare system since 1974.

While this manual does not replace the services of a trusted and knowledgeable attorney, it can serve as a starting point for an analysis of your practice's legal vulnerabilities. It is advised that you seek legal counsel before implementing any strategies discussed in this book.

Corrections: On page 29 of *Error Proofing Your Practice* (Doctor's Digest, Jan.-Feb. 2005), the American Academy of Family Physicians was wrongly identified as the American Academy of Family Practice. Page 75 of *Resolving Practice Dilemmas* (Doctor's Digest, July-Aug. 2005) contained an error regarding the Family and Medical Leave Act. The law applies to employers with 50 or more employees for 20 or more weeks in either the current or previous year. Doctor's Digest regrets the errors.

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