

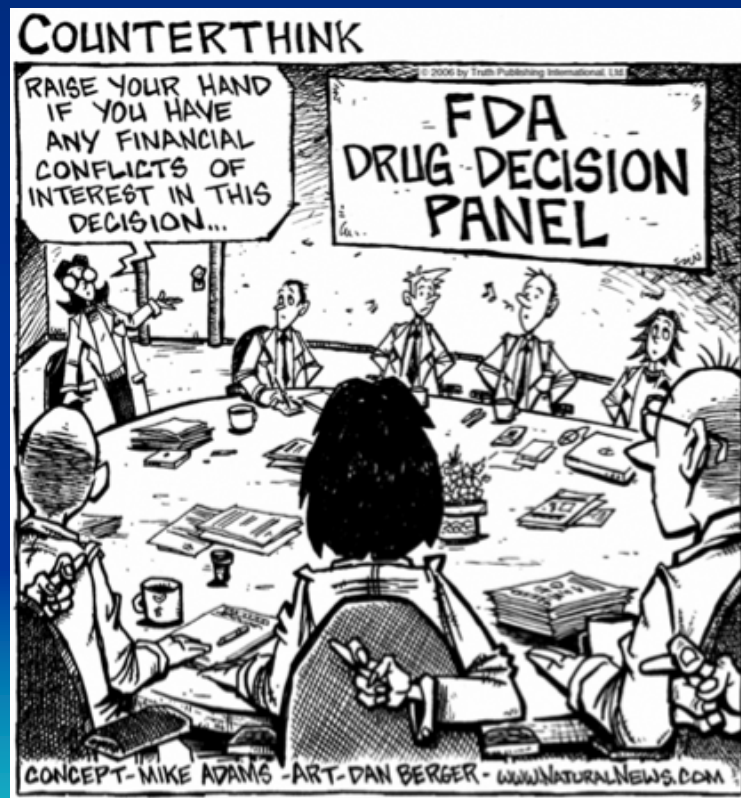
How to Maintain Compliance While Running Multiple Operating Rooms

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CONFLICTS

- None



Acknowledgements

- The lecture contents are a conglomeration of resources from Tricia Marriott and at the American Academy of Physician Assistants and the American College of Surgeons. I wish to acknowledge all of their work that prepared me today.



The Headlines

- “Clash in the Name of Care”
 - Boston Globe
- “The Wrongness of a Doctor Being in Two Places at Once”
 - Medscape
- “Whistle-Blower files Suit over alleged double-booked Surgery”
 - Boston Globe June 7, 2017



Emerging False Claims Liability

UPMC Inks \$2.5M Deal To Settle Neurosurgery FCA Claims

By Dani Kass

Law360, New York (July 27, 2016, 6:44 PM ET) -- The University of Pittsburgh Medical Center has agreed to pay more than \$2.5 million to the federal government to settle whistleblowers' claims that some of its neurosurgeons billed Medicare for participating in surgeries in which they weren't sufficiently involved, in violation of the False Claims Act.

The qui tam suit in Pennsylvania federal court alleges the neurosurgeons billed for assisting in or supervising procedures by other surgeons, residents, fellows and physician assistants that they weren't participating in to the required degree, according to the U.S. Department...

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<http://www.post-gazette.com/business/healthcare-business/2016/07/27/Justice-Dept-says-UPMC-agrees-to-pay-2-5M-for-false-billing-claims/stories/201607270198>

<http://www.healthcarefinancenews.com/news/university-pittsburgh-medical-center-pays-25-million-resolve-whistleblower-allegations>

Concurrent vs Overlapping

- One of the important points is to understand the difference between concurrent surgery and overlapping surgery,” **Gerald R. Williams Jr., MD**, president of the American Academy of Orthopaedic Surgeons, told *Orthopedics Today*.



ACS Concurrent or Simultaneous Operations:

Concurrent or simultaneous operations occur when the critical or key components of the procedures for which the primary attending surgeon is responsible are occurring all or in part at the same time.



ACS Overlapping Operations

- Overlap of two distinct operations by the primary attending surgeon. The most common scenario is when the key or critical elements of the first operation have been completed, and there is no reasonable expectation that the primary attending surgeon will need to return to that operation. (Continued on Next Slide)



ACS Overlapping Operations (Continued)

In this circumstance, a second operation is started in another operating room while a qualified practitioner performs noncritical components of the first operation for example, wound closure allowing the primary surgeon to initiate the second operation. In this situation, a qualified practitioner must be physically present in the operating room of the first operation.



ACS Statement on Principles

Informed Consent:

It is a standard of ethical surgical practice that enhances the surgeon/patient relationship and that may improve the patient's care and the treatment outcome.

- A discussion of the different types of qualified medical providers who will participate in their operation and their respective roles.



California State Practice Law

The final regulation, which goes into effect on April 1, 2015, clarifies that a PA may perform surgical procedures, without the physical presence of the supervising physician in the operating room if the physician is "immediately available" to the PA. The medical board defines "immediately available" as "able to return to the patient without delay, upon the request of the PA or to address any situation requiring the supervising physician's services."

- Under the new regulation, physicians could, for example, direct a PA to close the surgical site, allowing the physician to engage in other procedures or tasks on site.

Hospital Policy and Privileges

Example First Assistant Privilege:

- *The PA may surgically close all layers, affix and stabilize drains deemed appropriate by the supervising physician. The supervising physician is responsible for all aspects of the invasive/surgical procedure including wound closure and must provide supervision (need not be present in the room) when the PA closes the wound.



Thank You

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References Follow this Slide



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January 16, 2015

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