

GATEWAY GATHERINGS



hfma greater st. louis chapter
healthcare financial management association

Volume 27, Issue 1

Fall, 2007

**MAKE A
DIFFERENCE**

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From Our President...



Welcome to the second edition of this years Gateway Gatherings! The chapter year is in full-swing, with a number of new things going on. We started the chapter year with our mini-LTC (Leadership Training Conference) which was held on August 22. Thanks go out to our Vice President, Tami Knobbe, and her team for getting us started off right. Committees had planning time set aside as a part of the day, and they made good use of the time in planning their activities for the year. We have new plans for the newsletter, a new sponsorship program, and a new website going up. We also have a slimmed down version of the membership directory, which will be mailed in November. A membership directory is no longer a requirement of national HFMA, but we heard from our members that it is indispensable!! So we listened and will continue to publish it, with a few pieces of national information left out. Tell us what you think of the revised version.

Here are a few dates for your calendar. Remember that in this year of "transparency" we want to include as many members as possible in the "workings" of our chapter. So all members are invited to attend Board meetings, to see how things "work". I have also included some other dates of importance to the chapter and our members.

October 25: Board Meeting at SSM Corporate Office, 2:30pm to 4:30pm
December 6: Board Meeting at Sybergs, 3pm-5pm (I270 and Dorsett) followed by our Chapter Holiday Party
January, 2008: Elections for next chapter year
March 19, 2008: Board Meeting at SSM Corporate Office, 2:30pm to 4:30pm

Thank you to all chapter volunteers for getting the year off to a good start!

Kathy L. Hughes, FHFMA
President, Greater St. Louis Chapter
Healthcare Financial Management Association

Committee Chairs 2007-08

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MEMBERSHIP SPOTLIGHT:

By Joanne Hollett, Membership Chairperson

NEW MEMBERS:

Stephanie Portell, St. Anthony's Medical Center

Michael Dorn, US Bank

Debra McReavy, Earnst & Young, LLP

Tracy Enloe, Sisters of Mercy Health System

Patrick Wilkinson

Venessa White, St. Louis Gynecology & Oncology

Craig Kalman, FSA, MAAA, Coventry Health Care

Marlin Isaiah

Teresa Dancy, St Louis Connectcare

Gary Dreher, Conner Ash P.C.

Howard Reynolds, Quest Global

Please welcome the members to our chapter if you see them at an HFMA program or event!

There are plenty of opportunities to volunteer for committee work, which benefits the Chapter and helps you develop relationships with your peers. Committees to consider are:

Communications - Debbie Watson, Chair

Programs - Lisa Haug, Chair

Social - Tracy Packingham, Chair

HFMA membership provides many benefits that we may not think about, but I'd like to remind you. One example is your own personal development through our educational programs. Another example is obtaining certification. Consider becoming certified to make you a more attractive candidate when looking for that new job or promotion to give you the edge over your competition. Networking with fellow Chapter members is invaluable because of the wealth of knowledge they bring. Everyone has similar problems and can learn from what others have done successfully as well as what did not work. You can think of this benefit as Free Consulting. You may also meet with people who have talents that you would like to bring into your own organization.

Our membership makes us a strong organization and working together, we can "Make A Difference."

NEWSBRIEFS



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Stability Defines Not-for-Profit Senior Living Sector: S&P

Stability was again the defining characteristic of the U.S. not-for-profit senior living sector in 2007. A new report from Standard & Poor's Ratings Services indicates that credit trends remained relatively favorable for the 87 senior living organizations for which it maintains debt ratings. However, S&P expects that senior living operations may be strained in the long term due to turbulence in the equity markets and softness in real estate. The report, *U.S. Not-for-Profit Senior Living Sector Shows Continued Stability, Though Some Unrest Is on the Horizon*, looks at the sector's ratings momentum, outlook trends, and the financial median ratios that ratings are in part based on.

Weems Chosen as Acting CMS Administrator

President Bush intends to designate Kerry Weems as acting administrator for the Centers for Medicare and Medicaid Services (CMS), as announced Sept. 4. Weems' appointment is pending confirmation by the Senate. Currently deputy chief of staff to Department of Health and Human Services Secretary Michael Leavitt, Weems has been at CMS for 24 years.

"Kerry Weems is an excellent choice for Acting CMS Administrator," said Leavitt. "Kerry understands the large fiscal challenges facing Medicare and Medicaid and what it will take to strengthen and sustain those programs for the future."

Medicare Providers Should Rely Only on Their Contractors for Correct NPI Implementation Schedules: CMS

It has come to the attention of the Centers for Medicare and Medicaid Services that a trade publication recently published an incorrect schedule of implementation dates, by contractor, for claim rejections based on the inability to locate a National Provider Identifier (NPI)/legacy identifier pair on the Medicare NPI crosswalk. Providers will be advised by their Medicare contractor as to the particular timeframe for their transition. Any other published schedules are unofficial and may include inaccurate dates. Medicare providers are urged to rely only on information from their Medicare contractors.



MORE NEWS...

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CMS Issues Final Rule Prohibiting Physician Self-Referral

CMS issued final regulations prohibiting physicians from referring Medicare patients for certain items, services, and tests provided by businesses in which they or their immediate family members have a financial interest. This regulation--the third phase of the final regulations implementing the Stark law--responds to public comments on the Phase II interim final rule published March 26, 2004, in the Federal Register. The rule does not establish any new exceptions to the self-referral prohibition, but makes certain refinements that could permit or, in some cases, require restructuring of some existing arrangements, CMS officials explained.

Among other actions, the final regulation provides enhanced flexibility in structuring nonabusive compensation arrangements, provides relief for inadvertent violations of the self-referral prohibition under certain circumstances, reduces the regulatory burden for compliance with certain exceptions, and clarifies the agency's interpretation of existing regulations. The final rule will be published in the Sept. 5, 2007, Federal Register.

State Efforts to Change the Insurance Market Have Had Unintended Negative Consequences: Report

Over the past decade, numerous states have launched "insurance reforms" with some significant and unexpectedly negative--albeit unintended--consequences, according to a new report. A number of these initiatives were repealed or significantly changed within a few years of implementation. The study by Milliman, Inc. on behalf of America's Health Insurance Plans (AHIP) examined eight states that enacted various forms of "guarantee issue" and "community rating" in the 1990s, including Kentucky, Maine, Massachusetts, New Hampshire, New Jersey, New York, Vermont, and Washington.

Overall, the report found that states that implemented guarantee issue and community rating saw a rise in insurance premiums, a reduction of individual insurance enrollment, and an exodus of health insurers from the individual insurance market. In addition, the report found no significant decrease in the uninsured population in states that implemented these initiatives.

Joint Commission Clarifies Accreditation Participation Requirement to Include Physicians Who Report Quality, Safety Concerns

Physicians and medical staff members who have concerns about the safety and quality of care at their hospital may report those concerns with the understanding that retaliatory disciplinary action is prohibited, according to explicit new rules announced Sept. 5 by the Joint Commission. The accreditation participation requirement previously referred generally to hospital staff, although it has always been intended that physicians and medical staff be included as part of "good faith participation" in the accreditation policy.

The revised requirement, which will become effective Jan. 1, 2008, means that accredited hospitals must educate staff and medical staff that any employee or any physician who has concerns about the safety or quality of care provided in the hospital may report these concerns to the Joint Commission. Hospitals also are expected to inform staff and medical staff that no disciplinary action will be taken if concerns are shared with the commission, and hospitals should demonstrate this commitment by refraining from taking action against employees or physicians who report their concerns to the commission.



LEGAL LINES

Submitted by Gerald J. Bamberger, Attorney

KEEP YOUR EYE ON ECKSTEIN

No, I am not writing about David Eckstein, the fine shortstop of the St. Louis Cardinals but rather the late Daniel Eckstein who was severely injured in a motor vehicle accident on January 20, 2006 when the vehicle he was driving was struck by a truck. The accident rendered Mr. Eckstein a quadriplegic for which he was treated for several months at St. Johns Mercy Medical Center as well as by other medical providers. The charges by St. Johns alone were in excess of \$550,000.

Mr. Eckstein had health insurance from his employer through the Carpenters Union to which St. Johns filed a claim. However, the insurance policy, covered by the federal Employee Retirement Income Security Act (ERISA), contained a subrogation clause and since Mr. Eckstein declined to execute the subrogation agreement, the insurer denied payment to St. Johns for its charges for services to Mr. Eckstein.

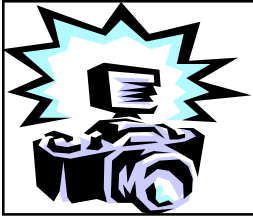
Mr. Eckstein, through his attorney, proceeded to file suit against the insured trucking company in the Circuit Court of St. Louis County. St. Johns filed a statutory lien for its outstanding charges upon the trucking company and its insurer pursuant to Sections 430.225 RS Mo. et seq. At the time of the accident Mr. Eckstein was 23 years of age, unmarried and without children. But shortly before his death in November, 2006 he married his girlfriend. After his death his attorney amended the petition in the Circuit Court changing the theory of the cause of action from one for damages sustained by Mr. Eckstein to one for damages for wrongful death by his wife and mother. A settlement was then negotiated for One million dollars being the policy limits of the trucking company's insurance policy. The recovery was split equally between the widow and mother after payment of attorney's fees. No payment was made to any of the healthcare providers who rendered treatment to Mr. Eckstein. Though the death of David Eckstein was a tragedy to his family, the financial result of the lawsuit against the trucking company and its insurer was a windfall to his widow and mother.

The Missouri Supreme Court has long held that a statutory hospital lien expired upon the death of the patient and did not apply to the separate statutory cause of action of the heirs for damages for wrongful death who, in this case, did not have a duty of support and responsibility for payment of necessary medical expenses incurred by Mr. Eckstein at the time the services were rendered. American Family Mutual Insurance Company vs. Ward. et al. 774 SW2d 135 Supreme Court, en banc (1989). This ruling has been upheld by several subsequent appellate cases in which the court has said the remedy lies with the Missouri Legislature. In the past several sessions of the Missouri Legislature bills have been introduced to have healthcare liens apply to wrongful death recoveries but have never been passed.

However, in this instance the facts may support a different result. Mr. Eckstein lived several months after the accident during which he received medical services and a distinction may be made that he died from medical conditions caused by the accident rather than the accident itself. Section 437.020 RSMo states that a cause of action for damages not resulting in death survives to the personal representative of the estate.

St. Johns filed an application to open a decedent's estate in the Probate Court of Franklin County, which was granted and is awaiting the court appointing a personal representative of the estate. It is the intent of St. Johns to have the personal representative file suit against the trucking company for damages, specifically the medical bills incurred by Mr. Eckstein, claiming the cause of action for damages belonged to a personal representative separate from a cause of action by the widow and mother for wrongful death and that the widow and mother did not have authority to amend the petition and substitute themselves as plaintiffs. If successful, the funds collected will be paid to those creditors who file claims in the estate.

If successful, this case may set a precedent allowing medical creditors, rather than filing liens, to open a probate estate and have the court appoint a personal representative other than a family member to pursue a concurrent claim for the medical expenses incurred by the decedent. This may prompt the wrongful death claimants to enter into an agreement with the creditors for payment out of any recovery. Most likely it will be many months, if not years, before this case is finally resolved. The writer will keep you advised.



SCRAPBOOK



On Wednesday, August 22, we kicked off the HFMA year by holding our annual **Leadership Training Conference**. Officers, Board members, Committee chairs and chapter members came together for a day filled with information and planning for the Greater St. Louis.

President, Kathy Hughes, gave the group an overview of GSL's strategic plan and the new goals set in our Chapter Balance Score Card. President-Elect, Teri Reger, also provided everyone with a look at the tools available on the national website, www.hfma.org, for chapter leaders. We also had the opportunity to breakout into planning sessions for several chapter committees.

The **HFMA Golf Outing** was a great success again this year. Thanks again to all of our sponsors for supporting this event and to all of the participants.

Congratulations to our winners:

Putting Contest: Bill Hamm

Hit The Green: Janice Berger and Rose Webb

A Flight Winners: Collins Printing Team

Tom Collins, Joe Sendobry, Jim Regna & Tom Wogmuth

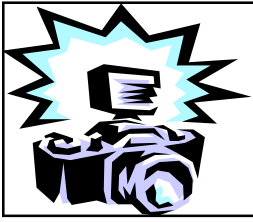
B Flight Winners: Account Resolution Team

Jim Hill, Jim Ram, Joe Mayberger & Bob Vortkamp

C Flight Winners: Kramer and Frank Team

Connie Stimpson, Bill Hamm & Dave Kozeny





SCRAPBOOK



Jim Hill, past president of Greater St. Louis chapter, picks up chapter awards at HFMA Annual National Institute. He received them from out-going National Chair, Joe Fifer, and incoming National Chair, Mary Beth Briscoe.



UPCOMING EVENTS



October 17-19 – HFMA Missouri / Kansas Annual Fall Conference

- ▶ *Greater St. Louis* ▶ *Heart of America*
- ▶ *Show Me of Missouri* ▶ *Sunflower*

Legislative Update

Date: November 15, 2007

**Place: SSM Healthcare Corporate Offices
477 North Lindbergh Blvd. St. Louis, MO 63141**

12:00 noon – 4:00 p.m. (lunch included)





MORE UPCOMING EVENTS

December 6th, 2007 – Holiday Party at Syberg's
DJ, Fun, Food and Drinks

**A celebration you will not want to miss with
fun, food and friends.**

We have a DJ, so bring your dancing shoes!



**January 17th, 2008 – Happy Hour Scheduled at Helen
Fitzgerald's**



Sponsorship still available

For more information, contact Tracy Packingham at
tracy@consumercollection.com

COMING SOON...
WATCH FOR OUR NEW WEBSITE



UPCOMING MEETINGS

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