



Vascular Society of New Jersey
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Monthly Report – December 2008

From the President

Gary A. Drascher, MD, RVT, FACS

***Marry an orphan: you'll never have to spend boring holidays with the in-laws
(at most an occasional visit to the cemetery)
George Carlin 1937-2008***

We should all be aware of a recent trial court judgment of \$400,000 against a New Jersey physician for failing to provide (at his own expense) a sign language interpreter for a deaf patient. Further information can be found on the MSNJ website.

BK Lal has been busy working on a great program for our Spring meeting. Save the date: March 4, 2009.

A happy and healthy holiday season to all.

Attention Vascular Surgeons: Call for Abstracts

Brajesh K. Lal, MD

The 31st Annual Scientific Meeting of the Vascular Society of New Jersey will be held on

*Wednesday, March 4, 2009
at Nanina's In The Park, Belleville, NJ.*

Winning presentation will receive:

**2nd Annual Robert W. Hobson, II, MD Award
Engraved plaque and \$500**

Abstracts are due by January 26, 2009.

There will be two types of presentations again this year:

(1) Paper Session: All types of submissions - clinical, research or basic science -- are encouraged. Participation by residents and fellows with member sponsorship are encouraged. (Note - Papers remain eligible for submission to the Eastern Vascular Society or other major scientific meetings.)

(2) Case Presentation: Members are requested to submit interesting and educational cases for audience participation and discussion. Case material with pertinent laboratory and radiological data should be submitted by the above deadline.

Submissions should be sent by email to the society offices at:
christine@blynchassociates.com

Presenters will be responsible to provide the society with their presentation in advance of the meeting, to minimize audiovisual delays.

Registration materials will be forwarded in February outlining the entire program. For more information, or if you have questions, please contact VSNJ at 609-392-5558.

Mark your calendar for March 4 and submit your Paper/Case Presentation today!

Save the Date!

Annual Scientific Meeting

March 4, 2009

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**Nanina's in the Park**

**Belleville, NJ**

# Ambulatory Surgical Center Update

Mark E. Manigan, Esq., WolfBlock

On the eve of the one year anniversary of the infamous Garcia decision, S-787, Senator Richard J. Codey's bill amending the 1991 Codey Law, has been amended on the floor of the New Jersey State Senate by a vote of 32-0. This is hopefully the final step prior to a full vote on the floor of both the Senate and Assembly on December 15, 2008.

The bill would modify the Codey Law in a number of significant ways by (1) creating an exception from New Jersey's ban on self-referrals for referrals to ambulatory surgery centers ("ASCs"); (2) deeming all pre-effective date referrals to ASCs compliant with the Codey Law; and (3) permitting corporate ownership of licensed ASCs to continue.

The bill would also increase regulatory oversight of the entire industry by requiring within one year of the effective date (1) all unlicensed one-room ASCs to become "registered" with NJDOH and (2) all licensed ASCs to become accredited by an "accrediting body recognized by Medicare" (currently the Joint Commission, the Accreditation Association for Ambulatory Healthcare and the American Association for the Accreditation of Ambulatory Surgery Facilities, hereafter collectively referred to as an "Accrediting Body").

The conditions of "registration" include the requirement that unlicensed centers obtain (1) Medicare certification or (2) accreditation from an Accrediting Body. Further, only existing unlicensed ASCs, as well as those that (1) change ownership; (2) have construction plans filed before the 6 month anniversary of the effective date of the bill will qualify for "registration" and therefore the ASC self-referral exemption contained in the bill or (3) relocate within within 20 miles or to a "Health Enterprise Zone" (provided there was no expansion in the ASCs scope of services). Finally, "registered" ASCs will not be subject to the ambulatory care facility assessment (currently 2.95% on gross receipts and capped at \$200,000 per year).

The revised bill would prohibit NJDOH from issuing any new ambulatory surgery facility licenses unless one of the following scenarios apply: (1) a change of ownership; (2) the relocation of an ASC within 20 miles or to a "Health Enterprise Zone" (provided there was no expansion in the ASCs scope of services); (3) entities that have filed architectural plans within 6 months of the effective date; (4) entities that are owned in whole or in part by a New Jersey hospital; or (5) entities that are owned in whole by a medical school.

Finally, the bill would abolish the current Codey Law exceptions for lithotripsy and radiation oncology by prohibiting physicians from referring patients to lithotripsy or radiation oncology entities in which they hold an interest, unless the interest "was held" within one year following the effective date of the bill.

Again, we hope that the amended bill will be voted on by the Senate and Assembly and sent to Governor Corzine during the next voting session on December 15, 2008.

We will certainly keep you informed of any new developments.

In the meantime, we continue to be pleased by the fact that in most cases insurance companies are paying for ASC services without interruption. Again, to the extent you experience any interruption based on an alleged self-referral violation, please notify us immediately.

Please feel free to contact me if you have any comments or questions.

### **AMA Says Number of Physicians in Congress Will Increase to 14**

The [Wall Street Journal](#) (11/7, Goldstein) reports, "There will be at least 14 medical doctors in the 111th Congress, an addition of two seats from the current session, according to the American Medical Association." The group said that "all nine docs who ran for re-election in the House held on to their seats." In addition, "there are two physicians in the Senate: Tom Coburn (R-OK), wasn't up for re-election; John Barrasso (R-WY), was appointed in 2007, and won in a special election Tuesday." Of the physicians, 10 are Republicans and four are Democrats. But, Michael Burgess, M.D., "a Texas OB-GYN first elected to the House in 2002," noted that "there aren't enough doctors in Congress" to influence healthcare reform. "It leaves us with a pretty narrow group of individuals, and it's a little harder to build consensus on common ground," he said. The [Wall Street Journal](#) (11/6) Washington Wire blog also covered the story.

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