



FLORIDA CHAPTER NEWS

Spring 2016

FLORIDA PHYSICIANS WEAKENED BY LEGISLATURE AND FMA

The Florida Legislature has once again made doctors the target of inappropriate government and corporate control of medicine. Sadly, the Florida Medical Association (FMA) has betrayed Florida doctors (again) by helping the legislature hurt physicians and ultimately their patients.

The FMA actively supported legislation that prevents doctors from directly billing patients for the care they provide in emergency rooms and hospitals – even when the doctors have no contract with the patient’s insurance company. Florida law will now forbid them from billing patients seen at hospitals in nearly all circumstances. The Florida Medical Association repeatedly went on the record to support passage of the legislation that will impose up to \$10,000 in fines, disciplinary action and possible criminal prosecution upon doctors that dare to simply collect payment for their services. The end result will be that insurance companies will have all the power as doctors lose substantial leverage in negotiating contracts with insurance companies.

Politicians sold the law as a way to stop what they dubbed “surprise” hospital bills while inaccurately labelling it as “balance billing” for political purposes. HB 221 was pushed hard by the insurance companies and received near unanimous votes in the House and Senate. The Florida Medical Association claimed to develop a “compromise” to manage the new billing ban, but in the end merely sent the message to politicians that they need not fear the FMA PAC’s efforts at election time. The FMA seal of approval means politicians can assign blame to them and doctors in general - especially when a doctor dares complain.

A Phony FMA “Compromise”

The alleged FMA “Compromise” is a charade that forces doctors into an unfair dispute resolution process. The process actually costs physicians time and fees for participation—with additional fees if they lose their disputed claim. The process is run under the auspices of the Agency for Health Care Administration (AHCA) by private contractor “Maximus” and is ineffective. For instance in 2015, only 9 claims were submitted and

“Florida physicians need an organization that always stands for their interests and they finally have one in the AAPS, Florida Chapter. Sadly the Florida Medical Association routinely places their interest in being a political power broker ahead of the well-being of Florida physicians”.

Dr. David McKalip
President, Florida chapter, AAPS (story inside)

HB 221: FLORIDA OUT OF NETWORK BILLING BAN

- If patient is seen by an out of network doctor in the hospital ER or for “emergency services” they cannot be billed by a physician under any circumstance.
- For “non-emergency” hospital care, patient has to have the “ability and opportunity” to choose out of network doctor, or it is illegal for doctor to bill patient directly.
- Only the insurance company can pay the physician for emergency and non-emergency hospital care for out of network patients.
- The Insurance company will determine how much to pay the physician: lowest of 1) Physician fee, 2) “Usual and customary” in community, or 3) mutually agreed charge.
- An arcane, costly, ineffective government bureaucracy/ corporate agent will resolve disputes. With this process doctors will still not see more than 110% of what they were originally underpaid.
- Full bill language: <http://tinyurl.com/hp62u58>

only one of those was settled after a \$1,205 review fee. In addition, the false “FMA Compromise” still ensures that a physician will never get more than 110% of the amount they were originally granted by the insurance company.

Florida AAPS Stands Firmly Against the Billing Ban

Within days of our formation, the Florida chapter of the AAPS immediately began advocating against HB 221 and similar legislation in the Senate. We contacted committee members, chairs and legislative leaders advising them of the fallout, and standing clearly against the legislation. We organized members to do the same. **One legislator asked if we also opposed the “amendment” (the phony compromise) and was told “We will not compromise physician rights” by your Florida Chapter President.** They were educated that the program would empower insurance companies to further drive physicians out of private practice and into the arms of corporate employers like hospitals and insurance companies. AAPS-FL advised the legislature that the insurance companies will have government sanctioned power to bully physicians into lower-paying contracts. Our chapter has also officially requested that Governor Rick Scott veto the legislation; it is unlikely politicians will do anything to stop the continued progress toward involuntary servitude of physicians at this point.

PRESIDENT'S MESSAGE

New Hope for Physician Advocacy in Florida

It is an honor to have been elected as the President of the Florida chapter of the AAPS. Our chapter will work to provide the same principled advocacy and member services for Florida doctors as has been done by our national organization so well.

The time is ripe for principled advocacy, since it has been missing for Florida doctors over the years. I served as an officer of the Florida Medical Association in 2015 after 6 years of service on the FMA Board and nearly 15 years of service in organized medicine at the AMA and the FMA. In the late 2000's the FMA was differentiating itself from the AMA - standing up for doctors in ways based in freedom. However, they have stopped doing so over the last 2-3 years and won't likely ever return to principled leadership. They've made it clear they value their own role as a power broker in Tallahassee, D.C. and the AMA more than they value the viability of independent physician practice in Florida. When I stood up to this unprincipled selling out of our profession, the leadership organized two other candidates to run against me, causing me to lose the officer position. This history demonstrates how any attempt to change such an organization in a meaningful way is eternally difficult and rare.

Under my leadership, I promise that the AAPS Florida chapter will always stand up for our principles and will not compromise away the independence and viability of physicians practices. Groups like the FMA and the AMA like to claim that to maintain their precious seat at the table, they must participate in the regulatory destruction of our profession. They would like physicians to believe that things would be far worse without their deal-making. There may be some truth to that in the short term. But in the long-term it is clear that the compromise never ends since power-hungry politicians, corporations and other players seek even more control over medical practice. The only thing resulting from the current model of "establishment" organized medicine is that enemies of our profession have a convenient scapegoat to blame for their efforts: medicine itself. The FMA, the AMA and their collaborators prefer to be seen as the power brokers: financing preferred candidates, placing their own members in the corrupt regulatory structure and playing at internal politics to determine who will be the elite leadership of establishment medicine going forward.

Examples of this behavior can be seen in the AMA's support of Obamacare, EHR's, ACO's and pay for performance. The FMA supported the phony SGR fix in 2015 that implemented "MACRA", an onerous Obama-care style pay for performance program in Medicare. That same year the FMA tried to pass a Florida rationing panel akin to Obamacare's IPAB. The FMA is working behind the scenes to promote ACO's and EHR's. This year the FMA supported a ban on billing for out of network physicians for hospitals care (cover story).

The time has long past to end the continued cycle of failure of establishment organized medicine. **The compromise-above-principle, "insider baseball", approach of the FMA has failed.** Health care is becoming nationalized, private doctors face extinction, employed doctors face severe limits on their autonomy and economic options. Patients are losing trust in their doctors as they become rationing agents of the state, while their health care costs escalate and their choices and access to care diminish.

The Florida chapter of the AAPS will represent the interests of physicians at all levels of Florida government, in the private sector and in the public square. We know that the profession of medicine should set its own standards, its own rate for its services and operate in a free market. Achieving these goals will come only if we put our profession and patients first in an unwavering and principled fashion.

I look forward to hearing from you as we form our chapter. Please contact me anytime at dmckalip@neuro3.net or 727-822-3500.

Sincerely, David McKalip, M.D., President

Formation of the AAPS-FL chapter

On January 30, 2016, the Florida chapter of the AAPS was established at a meeting in Orlando. As required in the national AAPS bylaws, Florida AAPS members were informed. The AAPS members present for the meeting worked to create a set of bylaws and elected a ten member board. The Board then acted immediately to pursue a legislative agenda. The Board has been working diligently to set up the chapter in concert with the national organization which has been immensely helpful.

The board is establishing a bank account, raising funds and planning to organize a series of regional meetings around the state to promote the chapter and interact with our membership. The chapter held a tele-town hall conference with then Presidential candidate Rand Paul. We also held a phone conference with AAPS Florida member and author Dr. Rebekah Bernard to discuss her book "How to be a Rock Star Doctor."

From the AAPS-Florida Chapter Bylaws

"PREAMBLE: The purpose of this Association is to improve medical care, by preserving the freedom of choice for the patient and physician, protecting the private practice of medicine and the sanctity of the patient-physician relationship, and educating physicians and the public to recognize and to resist efforts that would weaken a free-choice system of medical care. The Florida Chapter will work in concert with the Association of American Physicians and Surgeons to achieve these goals for Floridians and assist the national organization in their objectives." From the bylaws of our chapter, adopted 1/30/16

Florida Chapter Board

President, David McKalip, M.D., St. Petersburg

Vice-President, Joseph Gauta, M.D., Naples

Secretary, Caryl Hyland, M.D., Pensacola

Treasurer, Joel Franck, M.D., Clearwater

Board members (one year Term): Mirand Sharma, M.D., Celebration;
Jim Coy, M.D. Fruitland

Board members (two year Term): Patrick Abuzeni, M.D., Miami; Larry
Gorfine, M.D., Lake Worth

Board members (three year Term): Lee Alice Goscin, M.D., Clearwater,
John Littell, M.D., Ocala

Florida Chapter Leadership Opportunities, Committees

The Florida chapter needs you to help us grow and best represent physicians in Florida. Committees will be forming to help on issues like legislation, public advocacy and chapter growth. No experience is needed! Please contact Chapter President David McKalip at dmckalip@neuro3.net

One day in Tallahassee & one day in your district - we need you!

Florida Legislators need to hear from principled, independent physicians. That means you!

The time to impact legislation is before bills make it to committee. That means personal visits by doctors to legislators in their district offices and in Tallahassee.

AAPS-FL will be organizing visits to key legislators on our agenda beginning when committees convene in the fall of 2016 for the 2017 session. Working material will be provided by the chapter.

How you can help

- Sign up to visit Tallahassee for at least one day.
- Sign up to visit a legislator in your local district office.
- Sign up to email/call legislators when needed.
- Identify any key legislative relationships you have.

**Contact dmckalip@neuro3.net to sign up
for legislative outreach!**

**Thanks to AAPS-FL Member Diane Gowski, M.D.,
St. Petersburg who testified in committee for Direct
Primary Care legislation and against the Out of Net-
work Billing ban in Tallahassee during session!**

AAPS Principles of Medical Ethics - by Caryl Hyland, Secretary.

The Association of American Physicians and Surgeons was founded In 1943, and is a nonpartisan professional organization of physicians in all types of practice and specialties. The motto of the AAPS is "Omnia pro aegroto," or "All for the patient."

The official AAPS Principles of Medical Ethics are unique among medical groups and guide its actions and membership toward the highest standard of the Oath of Hippocrates. The Preamble reads: "Being aware that a physician's religious and moral principles are the source of his ethical behavior, this Association adopts the following statement of principles of professional conduct. The principal objective of the ethical physician in his practice is to treat human illness while maintaining the highest respect for the dignity of his patient."

The Principles include: protecting the privacy of the patient; personal integrity; honesty and diligence in the practice of medicine; never condoning the deliberate taking of a human life in the course of practicing medicine; and upholding the sanctity of human life from conception to natural death.

Other standards embodied in the Principles are mutual agreement between the physician and patient as to the value of professional services, and seeking consultations whenever the quality of medical care may be enhanced or at the request of the patient.

Our Florida Chapter is proud to uphold and affirm these AAPS Principles in our State. www.aapsonline.org/AAPS_ByLaws.htm

WEBSITE: www.flaaps.org

STAY IN TOUCH: Subscribe to the AAPS-FL email list.
Send an email to AAPS-FL-Subscribe@yahoogroups.com
(blank subject & body)
or login to groups.yahoo.com/group/AAPS-FL to subscribe
and access the full features of the archives/files.

Direct Primary Care

AAPS-FL Board voted to support legislation supporting practice models involving direct contracts with patients for care, often based on monthly and per-visit fees called "Direct Primary Care". House and Senate Bills passed all committees easily and were poised for passage in the legislature. The bills would have made it clear that such relationships are not subject to regulation as insurance by the state. The bill passed the House but died in the Senate. **The fact that the FMA was unable to get this passed while also supporting the out of network billing ban illustrates to members that a more effective voice for medicine is needed in Florida. AAPS-FL will work to fill that role.**

Learn more about Direct Primary care: tinyurl.com/4fw8brf
The AAPS has a list of doctors with such practices:
tinyurl.com/gnn7n7q

A MESSAGE FROM OUR TREASURER

Member Financial Support will Build the Florida Chapter

Fellow Physicians,

Perhaps, more so now than ever before, we all face a crisis in our professional lives. The crisis has been initiated by the actions of Government and, at Government's behest, the Health Insurance Industry.

The crisis is expressed as the ongoing explicit attempt by the Federal Government and consequent actions by Insurance companies, to effectively destroy your private and independent practice of Medicine and Surgery. Whether it is Obamacare or the Single Payer System advocated explicitly or implicitly by one political party, or the myriad of regulations killing your independence, efficiency, and motivation, you as an individual physician, dedicated to your Art and Science, are at risk.

Using every tool in the book, ranging from the misuse of the pseudo-scientific methodology of "Evidence-Based Medicine" to deter the lone innovator, to frivolous rejections of valid standard claims, to inordinate delays in treatment caused by required "peer to peer" conferences, the costs of performing your function as a healer for the sick, is simply too high to continue, especially, if you are in a private practice of medicine.

However, you, the individual physician and surgeon, have it in your power to remake your professional world - with a little help. We are the Association of American Physicians and Surgeons, and we ask you to join us in our crusade to save one of the most important bedrocks of a Free Society - the independent practice of medicine.

Our National organization, and state chapter here in Florida, are in the forefront of the battle to help save your independence as a physician. This is an intellectual war that requires both great ideas and the implementation of those ideas. We do the latter by careful monitoring of the action going on in both Tallahassee and Washington. We alert you to impending legislation that we must battle to save our profession and legislation that enhances the success of private medicine that we must support. We assist in the legal challenges that can ultimately turn the tide, including before the United States Supreme Court. The AAPS supplies us with the intellectual weapons to sway the minds and hearts of political and industry leaders and the American people.

We urge you to stand with us and proudly proclaim that you have a natural RIGHT to your own Life, your own Liberty, your own Property, and your own Pursuit of Happiness. Stand with us to proudly proclaim that your patients have a right to seek out the best treatments offered by the physician of their choice, and not be hobbled by arcane, unnecessary, and unjust regulation and policy. Please join us in this battle that can and will be won!

We urge you to join and contribute to your Association of American Physicians and Surgeons and actively participate in the most important fight of your professional life.

Sincerely, Joel Franck, Clearwater

Join fellow AAPS members and Florida Chapter members at the AAPS Annual meeting! Oklahoma City, OK September 22-24, 2016
Thrive, Not Just Survive Seminar: Dallas, TX May 20th, 2016

AAPS-FL thanks our first donors!

The AAPS-FL Donor's circle is already forming. Thanks to the following members for their generous contributions: Physician Leader: David McKalip; My Doctor: Patrick Abuzeni, Larry Gorfine, Joel Franck, Caryl Hyland; Platinum: Joe Gauta. Make your contribution today!

Founders Circle: \$10,000 and more.
Torchbearers Circle: \$2,000 to \$9,999
Physicians Leader Circle: \$1,000 to \$1,999
My Doctor Circle: \$500 to \$999
Platinum Circle: \$250-\$499
Gold Circle: \$100 - \$249
Silver Circle: \$50 - \$99

AAPS-FL is a 501c6, Professional Association. Please consult your accountant for tax deductible status.

Make donations to Florida Chapter, AAPS and send to:
AAPS-FL, 1955 1st Ave. N., #101, St. Petersburg, FL 33703

Join AAPS National to Grow Florida Chapter Membership

All members of the AAPS national organization who reside or practice in Florida are full members of the Florida chapter of the AAPS. The State chapter receives no funds from the national chapter but does enjoy their generous staff and Board support.

If you have received the AAPS Newsletter in the past without paying dues, it was because a dues-paying AAPS member had it sent to you for free. You may be receiving this chapter newsletter for the same reason. **Those Florida doctors who have yet not joined AAPS are encouraged to do so in addition to any donation they make to the chapter.** Join AAPS at aapsonline.org or Mail \$350 with your name and address to AAPS, 1601 N Tucson Blvd Suite 9, Tucson, AZ 85716.

Dr. Ed Annis Message to the Future on Medicare

In 1962, the first attempt to pass Medicare failed when Florida surgeon Dr. Edward Annis addressed the nation. He had met with President Kennedy who, many say inspired by Annis, gave the worst speech of his Presidency on the matter at Madison Square Garden (on purpose). A few days later, Dr. Annis addressed the empty venue...

"This Bill (King Anderson Bill) would put the government smack into your hospitals! Defining services, setting standards, establishing committees, calling for reports, deciding who gets in and who gets out-what they get and what they don't-even getting into the teaching of medicine-and all the time imposing a federally administered financial budget on our houses of mercy and healing. It will create an unpredictable burden on every working taxpayer. It will undercut and destroy the wholesome growth of private voluntary insurance and prepayment health plans for the aged which offer flexible benefits in the full range of individual needs. It will lower the quality and availability of hospital services throughout our country. It will stand between patients and their doctors. And it will serve as the forerunner of a different system of medicine for all Americans." Dr. Edward Annis, Madison Square Garden, 1962.

**Dr. Annis saw the future clearly and warned us.
Time for us to pick up the mantle and restore our profession.
See historic and modern Annis videos and hear Dr. Annis tell the history himself at: FLAAPS.ORG**