

UPDATE 2011

Late breaking news on
medical-legal developments
affecting physicians and
health care providers.

A publication of:

**Kern Augustine Conroy
& Schoppmann, P.C.**

"ATTORNEYS TO HEALTH PROFESSIONALS"

Email: kacs@drlaw.com

Website: www.drlaw.com

New Jersey:

1120 Route 22 East
Bridgewater, NJ 08807
Tel: (908) 704-8585
Fax: (908) 704-8899

New York:

1325 Franklin Avenue
Garden City, NY 11530
Tel: (516) 294-5432
Fax: (516) 294-5414

Pennsylvania:

1500 Market Street, 12th Fl
Philadelphia, PA 19103
Tel: (215) 665-5790
Fax: (800) 941-8287

Illinois Affiliate:

Augustine, Kern & Levens, Ltd.
218 N. Jefferson Street
Chicago, IL 60661
Tel: (312) 648-1111
Fax: (312) 648-1057

Healthcare-Associated Infection Reporting Expanded to ASCs: NJ's Dept of Health & Senior Services (DHSS) has proposed new and amended provisions of the rules that implement the Health Care Facility-Associated Infection Reporting & Prevention Act (Act) which requires hospitals to report information related to healthcare-associated infection (HAI) to DHSS. The Act establishes the reporting system, enrollment and training requirements for the reporting system, data collection and reporting requirements, the DHSS procedure for determining the HAI data to be reported, availability of the data to the public, and provisions for data accuracy, confidentiality, and enforcement. The proposal implements the statutorily mandated expansion of the HAI reporting requirement to licensed ambulatory surgery facilities. More information can be found at: http://www.state.nj.us/cgi-bin/dhss/njnewsline/view_article.pl?id=3775. Comments on the proposal must be submitted by November 5, 2011.

NJ Medicaid ACO Legislation Enacted: Legislation (S2443) has been enacted to establish a three-year demonstration project for geographic, community-based, non-profit coalitions of providers to apply to the state as Medicaid ACOs. Applications are anticipated from providers in Trenton, Newark and Camden, where the Camden Coalition of Healthcare Providers has been in place for several years. Access the new law at: <http://www.njleg.state.nj.us/bills/BillView.asp>.

NLRB Rule Requires Display of New Labor Notice: Effective November 14, 2011, many employers will have to display a new notice on labor relations. Employers affected by a new National Labor Relations Board (NLRB) rule include medical and dental practices that generate at least \$250,000 in gross business volume annually. The rule requires displaying the poster in a conspicuous area and requires some employers to include a link to the notice on their internet or intranet site. The NLRB adopted the requirement to raise awareness of labor rights under the National Labor Relations Act. The rule requires displaying the poster in a conspicuous area and requires some employers to include a link to the notice on their internet or intranet site. For more information, and to obtain the required notice, go to: <https://www.nlr.gov/poster>.

Stricter Rules Adopted for Conflict of Interest in Research: The U.S. Dept of Health & Human Services has published a final rule amendment governing financial conflicts of interest of investigators conducting research supported by the Public Health Service, affecting both institutional compliance programs and disclosures by researchers. The rule, entitled "Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought and Responsible Prospective Contractors," modifies the 1995 rule in response to recent revelations of financial conflicts of interest by federally-funded researchers. The amendments expand the scope of investigators and other personnel who must disclose financial conflicts of interest and lowers the monetary threshold for mandated disclosures. It also expands the definition of significant financial interest to include certain salary, royalty and seminar or teaching income that must be disclosed. Access the rule at: <http://www.gpo.gov/fdsys/pkg/FR-2011-08-25/pdf/2011-21633.pdf>.

Advanced Diagnostic Imaging Accreditation Reminder: Physicians and other providers who provide MRIs, CT scans, and nuclear medical imaging services, such as PET, must be accredited by January 1, 2012, by the American College of Radiology, the Intersocietal Accreditation Commission or The Joint Commission, in order to continue billing Medicare beneficiaries for the technical component of these procedures.