

The Western New York OPTOMETRIST



Official Publication of the
Western New York Society of Optometrists, Inc.

Affiliated with the New York State Optometric Association,
and the American Optometric Association



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April, 2010

Buffalo, New York

President's Message

As you are now all aware, the new health care bill, called the Patient Protection and Affordable Care Act of 2010, and the subsequent

Reconciliation Act of 2010, is now the law of the land. Regardless of how you feel about this enormous



piece of legislation, there are some positive aspects of the bill that will affect all of us.

Fortunately the AOA was successful in achieving many of its lobbying goals. You have probably read most of them in emails forwarded to you by the NYSOA and AOA. The big issues were the non-discriminatory language favorable to non-MD providers, the exemption of the 2.9% medical device excise tax on eyeglasses and contacts, and the designation of childrens' vision care as an essential health benefit.

If nothing else, things are sure going to be interesting in the next few years. I'm sure we can count

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MEETING NOTICE

April 13, 2010

Speaker:

Joseph Murphy, M.D.

Topic:

**Current Treatments in
Diabetic Retinopathy
and Posterior Uveitis.**

7:00 P.M. Dinner

8:00 PM Speaker

**Followed by a
Brief Meeting**

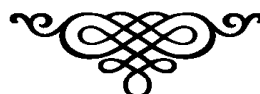
Marriott Hotel

**Millersport
Highway**

R.S.V.P. required For Dinner by April 7th to:

advancedeyecare@onecommail.com

or 631-9970



Scoping the Town

Jeff Calhoun survived the move of Advanced Eyecare into a new office space at 6622 Main St., Suite 7 in Williamsville. He is enjoying seeing patients in the new setting.



Alex and Ann Crinzi are traveling to Dallas to attend the launch of Essilor's new lenses. Son Alex and daughter Elizabeth performed at UB and Kleinhans respectively for the all county orchestra. Also at UB was Jacob Cohen, son of Nora Lincoff.

Joe Gambacorta is taking the family on a well needed vacation. He will be nicely tanned when he returns.

Eye Care Professionals have purchased an OCT for their Amherst and Lancaster offices.

Buffalo is to be home of NYSOA's Annual Meeting in May.

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OPTOMETRIST**
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Classifieds:

For sale: Used standard Reichert Projector and used standard AO Projector with slides. Still in good condition with wall mount, however not needed since I switched to digital charts. Please contact Jeff Calhoun at 631-9970 or advancedeyecare@onecommail.com if interested in purchasing.

Position Wanted:

Nathan Steinhafel, OD
801-592-7126
nathan.steinhafel@gmail.com.
Nathan is a residency trained OD specializing in pediatric optometry and is looking for a full-scope medical practice to join. Please contact Nathan for his CV and further info.



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Health Care Bill Passes House

On Sunday March 21, 2010 the congress passed the most sweeping change in health care since the creation of Medicare and Medicaid.

The total impact will not be felt for several years as some measures are phased in.

Government payments to Medicare Advantage, the private-plan part of Medicare, would be cut sharply starting in 2011. If you're one of the 10 million enrollees, you could lose extra benefits that many of the plans offer, such as free eyeglasses, hearing aids and gym memberships. To cushion the blow to beneficiaries, the cuts to health plans in high-cost areas of the country such as New York City and South Florida – where seniors have enjoyed the richest benefits -- would be phased in over as many as seven years.

For those with high cost plans, starting in 2018, the bill would also impose a 40 percent excise tax on the portion of most employer-sponsored health coverage (excluding dental and vision) that exceeds \$10,200 a year for individuals and \$27,500 for families.

The bill also would raise the threshold for deducting unreimbursed medical expenses from 7.5 percent of adjusted gross income to 10 percent.

The bill also would limit the amount of money you can put in a flexible spending account to pay medical expenses to \$2,500 starting in 2013. Those using an indoor tanning salon will pay a 10 percent tax starting this year.

If you have a high income, you face higher taxes. Starting in 2013, individuals would pay a higher Medicare payroll tax of 2.35 percent on earnings of more than \$200,000 a year and couples earning more than \$250,000, up from the current 1.45 percent. In addition, you'd face an additional 3.8 percent tax on unearned income such as dividends and interest over the threshold.

Included in the more than 2000-page measure is a landmark provision sponsored by Sen. Tom Harkin (D-Iowa), and backed by the 36,000-member American Optometric Association (AOA) during a year-long grassroots campaign, that is designed to outlaw discrimination against optometrists and other providers by health plans, including self-insured ERISA plans.

The final version of the overhaul bill includes a number of other important AOA-backed provisions aimed expanding access to optometric care, including the specific designation of vision care for children as an essential health benefit - where current vision care plans may partner with major health plans to satisfy children's essential benefit requirements; full application of state insurance laws to each of the 50 state health insurance exchanges through which tens of millions of uninsured Americans will purchase coverage; new emphasis on the pro-access "health care home" model of patient-centered care coupled with a key rejection of the exclusionary "medical home" scheme; and safeguards for existing vision coverage provided

through stand-alone vision care plans.

The "reconciliation package", was also approved by the House today and forwarded to the Senate for final consideration, possibly this coming week. This separate technical bill would also provide an exemption for eyeglasses and contact lenses from a new 2.9% medical device excise tax and an exemption for the cost of vision coverage from the calculation of a new tax on high-cost health plans. Both provisions were supported by the AOA.

The bill is estimated to cost \$940 billion over a decade. But because of higher taxes and fees and **billions of dollars in Medicare payment cuts to providers**, the bill would narrow the federal budget deficit by \$138 billion over 10 years, according to the Congressional Budget Office.

Election of Officers and Trustees

The Nomination Committee is putting the finishing touches on the 2010-2012 Executive Board recommendations to be considered at the April meeting. Additional nominations can be received from the floor. The nomination will be announced in a special issue of the WNY Optometrist.

March Minutes

WNYSO Meeting 03/13/10

- Treasurer's Report: Money Market and Checking Account balances noted.
- Old Business- None
- Regional CE- Annual Therapeutics Seminar will occur again this Fall on Bills bye week. Five topics will be covered, one each year: Anterior Chamber, Glaucoma, Cataract/LASIK, Retina, Ocular Manifestation of Systemic Disease. Consolidated CE will make it easier to receive grant money. Sponsors will now give money for CE on a state level, not so much to local societies.
- Any member is encouraged to contact business partners and sales reps that they know who would be willing to sponsor our society.
- The American Board of Optometry (ABO) was recently formed to facilitate board certification. The American Optometric Society (AOS) with Dr. Art Epstein, has now started the American Board of Clinical Optometry (ABCO) to act as a facilitator of board certification as well. More information to come as to whether more than one board certification for optometry will exist.
- Make sure you are up to date with PECOS otherwise you will not get paid.
- Lobbying trip to Albany, NY:
- An OD in Palo Alto VA Hospital was involved in some malpractice and this has been used against ODs when lobbying the orals bill. This has been shown to be an

exceptional case and not the rule. There was a MD involved in similar problems and this is not a fair representation of optometry. There are 420 full time VA optometrists, 150 part time and 149 residents, caring for over 950,000 veterans annually. The VA is on record praising the work of optometry. ODs should be aware if this comes up in conversation.

- Dr. Ken Anthone recently traveled to Albany with optometry, to lobby for our orals bill. Dr. Anthone made some very compelling arguments on our behalf and served a very important role in our effort to get the orals bill passed.
- Jim Meffert is running for Congress against an MD. Please consider supporting Meffert in his run. NYSOA web site has information on contributing to his campaign.
- Medicare cuts did not go through and ODs actually saw a 4% increase in reimbursements.
- BCBS and Child Health Plus: ODs cannot use modifiers anymore if co-managing surgeries with a surgeon.
- Sample letters are available for OMDs who would be willing to write a letter on our behalf regarding the Orals Bill. Please understand that while some MDs may want to support us, local influence can make it difficult for them to do so.
- AOA is working on a program to develop its own professional

liability insurance, rather than contracting it out. More information is coming.

- Next month's meeting will be 4/13/10 with Joseph Murphy, MD.
- Bausch and Lomb is hosting a dinner with Dr. Endl at Russell's steakhouse next Tuesday 3/23/10. Please RSVP to Jeff Calhoun.
- Meeting adjourned.

NYSOA Comes to Town

The NYSOA Annual Congress will take place May 15 & 16, 2010, at the Marriot Hotel in Buffalo. Come to the House of Delegates Meeting on both Saturday and Sunday as well as a Town Hall Meeting on Sunday morning from 11-12 p.m. All NYSOA members are invited to attend!

Watch your mail for more information.

Upcoming Topics at the WNY Society of Optometrist Monthly Meetings

Tuesday, May 11th
2nd Annual Retinal Seminar with
Dr. Mark Comaratta &
Dr. Henry Lee.

Congress Fails to Prevent April 1 Medicare Pay Cut Before Leaving for Spring Break

Despite objections raised by the AOA and other patient and provider groups, Congress has adjourned for its two-week spring recess without acting to prevent a massive 21 percent cut in Medicare physician reimbursement set to take effect April 1.

Late last week, legislation aimed at preventing the cut in payments stalled on the floor of the U.S. Senate after it was blocked by Sen. Tom Coburn (R-OK) on the basis that it should not be considered emergency spending, which would exempt the bill's price tag from budgetary offset requirements.

The bill (HR 4851), which has already passed the U.S. House, includes another 30-day freeze of current Medicare physician payment rates - this time through Apr. 30 - as well as an extension of CO-

BRA benefits and unemployment insurance for Americans who have lost their jobs.

As a result of this inaction, the U.S. Centers for Medicare & Medicaid Services (CMS) has instructed its contractors to temporarily hold fee-for-service claim processing; anticipating Congress will once again intervene to prevent the planned cuts.

The Medicare physician fee schedule was originally to have been cut 21 percent on Jan. 1, 2010 as part of a scheduled cut mandated by the current Medicare payment formula, but Congress acted late last year to freeze payment rates at 2009 levels through Feb. 28, 2010.

Then, Congress acted again - just as hundreds of ODs and students stormed Capitol Hill as part of a massive grassroots advocacy push

during the AOA Congressional Advocacy Conference - to extend the freeze through Mar. 31, 2010.

With Congress absent from the nation's capital for the next two weeks, the AOA Advocacy Group has indicated that Senate action on the measure could come as soon as Apr. 12 - when Congress returns from its break.

Concerned doctors and students can use the AOA's Online Legislative Action Center to contact their elected officials and urge them to prevent impending cuts as well as advocate for long-term reform.

For more information on this priority issue and how to join the AOA's efforts on Capitol Hill, please contact the AOA Washington Office directly at ImpactWashingtonDC@aoa.org

Message

Continued from Page 1

on even more changes, too. More will soon be coming on Board Certification and Medicare cuts - where currently Optometry has been spared the 14% fee reduction.

The CE-NY program, on which I am a board member, is getting underway. This is an exciting new way to deliver top quality CE to NYSOA members through the joint cooperation of the NYSOA, Ophthalmic/Pharmaceutical Industry and SUNY Optometry. Among others, educator Dr. Rich Madonna and former NYSOA President Dr. Mitch Horowitz have worked countless hours on this project for

the last several months. Our Western program will be the Bill's bye week again.

The NYSOA Annual Meeting will be held May 15-16 in Buffalo at the Marriott. The final hour of Sunday's Board Meeting will be open to all of you to attend from 11am to 12. Jan Dorman refers to this hour as a "Town Hall Meeting", where everyone's voice can be heard. Please make an effort to attend and express your views, or if nothing else, become acquainted with your state leaders. I hope to see you there.

-Tom

British Columbia Proposed Rule Change

[full text click here](#)

Proposed changes include:

Opticians being able to perform unsupervised independent automated refraction ("sight testing") on "healthy" people 19-65 years old.

Removal of restrictions that allow only optometrists or opticians or their staff to dispense glasses and contacts.

Allowing people to order glasses or contacts online without having to provide the seller with a copy of their prescription or sight test assessment.

It is interesting to note that Costal Contacts sells glasses and contacts and are located in B.C.