

## **STAT LAW December 2010**

### **LIMITS ON DISPENSING CONTROLLED SUBSTANCES TO CASH PAY PATIENTS**

As of October 1, 2010, a dispensing physician may only dispense a 72-hour supply of Schedule II, III, IV or V medications to patients that pay cash, check or credit card. The 72-hour limit does not apply to medications dispensed to a workers compensation patient, or medications dispensed to an insured patient that is paying their co-payment with cash, check or a credit card.

### **STANDARDS OF PRACTICE FOR PAIN CLINIC EFFECTIVE NOVEMBER 28, 2010**

The Florida Board of Medicine published its rule on the standards of practice for physicians practicing in pain management clinics. The Board also published its rule on the requirements for pain clinic registration, inspection and accreditation. The rules are effective as of November 28, 2010, and apply to any pain clinic required to register with the Department of Health and the physicians practicing in those clinics. Practicing in an unregistered pain clinic constitutes a misdemeanor.

### **MEDICARE CUTS PHYSICIAN REIMBURSEMENT BY 24.9%**

On November 3, 2010, the Centers for Medicare and Medicaid Services (CMS) issued the 2011 Physician Fee Schedule, which included a 24.9% cut in physician reimbursement. According to CMS, the physician payment rates are scheduled to be reduced under the Sustainable Growth Rate formula (SGR) on December 1, 2010, and again on January 1, 2011, for a total of 24.9%. Congress has blocked the application of the SGR every year since 2003 and is expected to pass additional legislation to stop the December 1, 2010, reduction. While almost everyone agrees that a 24.9% cut in physician reimbursement is unrealistic, Congress has yet to pass a long-term solution for the SGR.

### **REDUCED DUTY HOURS FOR MEDICAL RESIDENTS**

The Accreditation Counsel for Graduate Medical Education (ACGME) published new limits on the duty hours for medical residents. Under the new limits, first year residents should only work a maximum of 16 continuous hours while second and third year residents can still work 24 continuous hours with an additional 4 hours for handoff. The ACGME also said that residents should have 10 hours off between duty periods, but that residents must have at least 8 hours off between duty periods.