

STAT LAW November 2009

\$1 MILLION FROM PFIZER SETTLEMENT WILL COMBAT MEDICAID FRAUD IN FLORIDA

Florida will fund a new Medicaid fraud whistle blower program with \$1 million dollars the State received as part of the Pfizer fraud settlement. Pfizer agreed to pay \$2.3 billion to resolve a fraud investigation of its marketing of pain medications. Florida's share of the settlement was \$58 million. Under the new Medicaid fraud program, informants that provide original information on Medicaid fraud that result in the recovery of fines or the forfeiture of property are entitled to 25 % of the amounts collected by the State up to \$500,000. The Medicaid fraud whistle blower program was part of a bill introduced by Florida Senator Don Gaetz in the 2009 legislative session.

FDA APPROVES BOVIE MEDICAL DEVICE FOR KIDNEY SURGERY

Bovie Medical Corp. announced that the FDA approved the marketing of a version of the company's Saline Enhance Electrosurgical Resection device for laparoscopic procedures. The device allows the physician to dissect and coagulate with one instrument requiring fewer instrument changes in minimally invasive procedures. Bovie Medical Corp. manufactures the product in St. Petersburg, Florida.

MICHELLE'S LAW

Michelle's Law became effective on October 9, 2009. Michelle's Law is a new federal law that permits a college student to take up to a year off from school for medical reasons and remain on their family's insurance plan. Michelle Morse took a full course load while undergoing chemotherapy for colon cancer in order to maintain her coverage under the family's health insurance plan. She died of colon cancer six months after graduating from college.

MEDICARE MUST HAVE YOUR CORRECT MAILING ADDRESS

Medicare Carriers are in the process of sending solo practitioners brochures describing the practitioners' obligations to report changes in their enrollment information. When the Carriers receive notice that the brochure was sent to an invalid address, the Carriers are deactivating that provider's number. All practitioners are cautioned to verify that all their Medicare Carriers have correct enrollment information through the Provider Enrollment Chain Ownership System (PECOS) or by calling their Carriers.

RED FLAG RULES

The deadline for physician practices to comply with the Red Flag rules on identify theft is November 1, 2009. A bill was introduced in Congress on October 8, 2009, H.R. 3763, that would exempt some physician practices, accounting firms and law offices from the Red Flag Rules. Under HR 3763, physician practices, accounting firms and law offices with 20 or fewer employees would be exempt from the Red Flag Rules.

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