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# Stark County Medical Society *News*

Spring 2021

## President's Message Stacey Hollaway, M.D.

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#### INSIDE THIS ISSUE:

20th Annual Golf Outing..... 2

Local Financial Advisor Honored for Performance ..... 3

SCMSA News ..... 4

Covid, Privacy and More!..... 5 & 6

Have You Heard About the 150 Club?..... 7

Our Preferred Vendors..... 7

Method to determine % change in Consumer Price Index (CPI)..... 11



*Stacey Hollaway, M.D.*

### WHEN DID THE PRACTICE OF MEDICINE BECOME A THREE-RING CIRCUS?

**True case:** A gentleman, I will call Mr. Cholesterol, has extremely high cholesterol and is unable to tolerate statin therapy due to severe elevations of liver functions and myalgia. He cannot tolerate cholesterol binding medications because of severe constipation. He has been on Repatha since it was introduced with no side-effects and superb control of his cholesterol. His new insurance will not allow him to use Repatha without a calcium score. However, his insurance, which demands the calcium score, will not allow him to get the calcium score. Hence the dilemma.

Or worse, a ten-year-old boy with abdominal pain and blood in his urine with concern for kidney stones is refused a CT scan by his insurance company. They instead want an ultrasound to be performed. The ultrasound, of course, comes back abnormal which prompts the insurance company to suggest the CT scan, which should have been done right from the start.

All of you, I'm sure, have similar stories and experiences. I suspect that many of you share a similar level of frustration as well.

### When did the insurance companies become doctors?

When I started in practice in 1994, physicians were still respected. There really were no prior authorizations for medical procedures or x-rays. We treated and ordered tests appropriately holding to the motto, "do no harm."

Over the last 25 years, insurance costs have gone up and people have high deductibles despite being on the affordable care act plans. Patients are making choices to not get appropriate care because they cannot afford certain medications or to have testing performed.

I think it is imperative that we as physicians and as a medical society stand up for our patients and what is right in medicine. We are blessed to have access to the best possible care, procedures, techniques, and treatment options. All too often there are roadblocks and obstacles standing in the way of our patients receiving the outstanding care we want to provide for them.

So, in addition to our practice of medicine, we must also be advocates for our patients and ourselves.

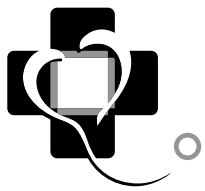
**We have access to the politicians and the state medical association. Together, we have a voice that will be heard!**

**Contact us at  
starkmedical@ameritech.net  
or call 330-492-3333. We look forward to hearing from you!**



*Opinions expressed by the authors are their own, and not necessarily those of the Stark County Medical Society, Trustees or individual members. SCMS News reserves the right to edit all contributions for clarity and length, as well as to reject any material submitted.*

[www.starkmedical.org](http://www.starkmedical.org)



## Stark County Medical Society 20th Annual Golf Outing to Benefit Community Harvest

**Wednesday, September 22, 2021**

**Skyland Pines Golf Course  
3550 Columbus Road NE, Canton, OH 44705**

<b>10:00 AM</b>	Range Balls, Registration and Shrimp & Bloody Mary Hospitality Station
<b>11:00 AM</b>	Lunch
<b>12:00 PM</b>	Shotgun Start
<b>6:00 PM</b>	Dinner

Scramble format 18 holes with cart • Lunch cookout before shotgun start • Margaritas and chips at the turn • Unlimited beer (21+), pop and water on the course • Raffles • Exclusive swag bag for each golfer • Prizes • Free contests • Dinner at the lodge immediately after golf

**\$90/Golfer • \$360/Foursome**

### Single Registration • \$90/person

<b>Name:</b>	<b>Meal Selection:</b>
--------------	------------------------

Individual golfers and smaller groups will be paired for the event.

### Team Registration • \$360/foursome

**Team Name:**

<b>Name 1:</b>	<b>Meal Selection:</b>
----------------	------------------------

<b>Name 2:</b>	<b>Meal Selection:</b>
----------------	------------------------

<b>Name 3:</b>	<b>Meal Selection:</b>
----------------	------------------------

<b>Name 4:</b>	<b>Meal Selection:</b>
----------------	------------------------

The event will sell out. Registration is on a first come, first serve basis. Your payment is required for completion. Please indicate dinner selection after each name. Golfers have a choice of steak, scrod, lemon chicken or vegetarian.

### Dinner at the lodge with no golf • \$30/person

<b>Name:</b>	<b>Meal Selection:</b>
--------------	------------------------

### Tee Sponsorship • \$100

**Business or Family Name:**

### Sponsorship Opportunities:

Become an outing sponsor for just \$100 and show your support of Community Harvest, a program of the Akron-Canton Regional Foodbank. Your family or business name will be proudly displayed at the tee box of one of the 18 holes.



Contact Faith Barbato at 330.493.0800 or [fbarbato@acrfb.org](mailto:fbarbato@acrfb.org) for more information.

Mail this form with check payable to Stark County Medical Society to:

Community Harvest; Attention: Faith Barbato; 4915 Fulton Drive NW, Unit 7; Canton, OH 44718



Stark County  
Medical Society

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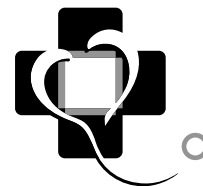
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For Immediate Release Contact: Adam Olenick 330-493-0047

## LOCAL FINANCIAL ADVISOR HONORED FOR PERFORMANCE

Adam Olenick, who has been an Edward Jones financial advisor in Jackson Township since 2000, was recently invited to attend the Edward Jones Managing Partner's Conference, which honors the top 400 of the firm's more than 19,000 financial advisors.

The achievement recognizes and celebrates Edward Jones' most successful financial advisors and provides them with the opportunity to hear from keynote speakers from both inside and outside the firm and to share best practices for serving clients.

*"These financial advisors have demonstrated exceptional standards for delivering tailored advice and personalized service for their clients," said John Rahal, an Edward Jones partner responsible for the firm's recognition events. "While this conference will be held virtually this year, we are looking forward to recognizing and celebrating these financial advisors for their extraordinary contributions to our clients."*

*"I am honored to have qualified for this recognition conference," said Olenick. "It is the result of the close relationships we share*

*with our clients, and the trust they place in us to help them feel informed, understood, secure and in control of their financial picture. We value these relationships."*

### HIS OFFICE IS LOCATED AT:

**4678 Munson St. NW Suite C, Canton, OH 44718.**

Adam and Branch Office Administrators Kristen Streb and Leigh Summers can be reached at 330-493-0047. You may also visit Olenick's website at <https://www.edwardjones.com/us-en/financial-advisor/adam-olenick>.

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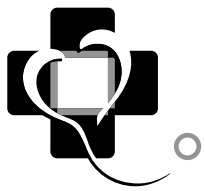


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BEAMS**

BUT A HOME  
IS MADE OF  
**love &  
dreams**



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**Diane Evans,**  
Publisher

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**SCMSA NEWS** Attention all SCMS members: If your spouse or domestic partner is not already a member of the SCMSA, please sign them up! The group was established as an extension to the SCMS. Our main function is to create fellowship amongst physician's families. We also raise money for our charitable fund, which gives scholarships and also does outreach in the Stark community. The dues are only \$25.00 per year and \$20.00 for the spouse or domestic partner of a resident.

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Spouse's Name: \_\_\_\_\_

Spouse's Specialty: \_\_\_\_\_

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City: \_\_\_\_\_

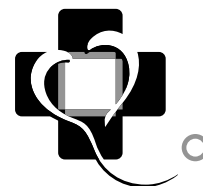
State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Make check payable to:  
**Stark County Medical Society Auxiliary**

Mail check to: **SCMSA**  
4942 Higbee Ave, NW Suite L, Canton, Ohio 44718



## COVID, PRIVACY AND MORE! NEW CHALLENGES FOR PHYSICIANS IN 2021

Scott P. Sandroock, Esq.  
Brennan, Manna & Diamond, LLC

While hopefully we are coming out of the pandemic, the legal repercussions related to legislative initiatives and other actions during that time continue to apply to businesses in general and healthcare practices. It is a helpful reminder that practices make certain that they maintain accurate records in order to satisfy the reporting requirements under the various COVID-related bills and protect yourself from future employment claims.

### Families First Coronavirus Response Act (FFCRA).

This legislation was an expansion of the Family Medical Leave Act. It provides that employers with less than 500 employees are required to provide compensation to employees who are absent from work due to **six specific** triggering events. Those include that (a) the employee themselves are subject to a quarantine order (tested positive); (b) the employee was advised to self-quarantine because of potential exposure to a diagnosed person; (c) the employee is experiencing symptoms; (d) the employee is caring for someone else who has been diagnosed or been told to self-quarantine; or (e) is caring for a child due to COVID closure of school or childcare center.

Under FFCRA, employers were required to pay certain benefits on a two-week basis with a cap of \$5,000 if in the first two categories, or in the other categories, two-thirds of pay with a \$2,000 cap. No benefits are required if the employee could potentially work from home through some telework opportunities.

A particularly complex situation applied for healthcare practices. Initially, healthcare practices were exempt with the idea that healthcare workers were essential. A change in interpretation several months later basically split a healthcare practice with those staff members with direct patient care continuing to be exempt from coverage while employees who are behind-the-scenes, so to speak, such as billing would be eligible for benefits.

If the employer made payments, the employer would then be

eligible for a tax credit for all payments made under the statute. In essence, the employer funded the benefit but then recouped those dollars against other income when taxes were filed.

The mandatory program ended on December 31, 2020 but it remains available on a voluntary basis through September 30, 2021. Congress is considering an extension of these provisions and so you should anticipate having to implement them again. From an employers perspective, it is crucial that you fully document the particular employee, what their role is in the office, verify with written documentation that they met one of the criterion (similar to a return to work slip), and otherwise make certain that the person either met the criteria or not. One additional note regarding school issues. The rule only applies to children through high school and does not apply if the child could attend school but the family made a family decision to do remote education. Once again, if the employee could work through telework they are required to do so.

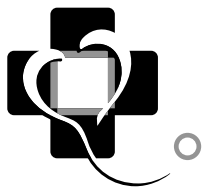
### Liability to Staff or Public.

Ohio was one of the first states to adopt an immunity statute from COVID claims in certain circumstances. The bill went into effect on March 9, 2020. In short, it abolishes any claim for "damages, death or injury" against any person if the claim is based in whole or in part on the exposure, transmission or contraction of a COVID-type condition with some limited exceptions. It specifically provides that a physician who delays treatment or a procedure due to COVID cannot be held liable simply for delaying the procedure or treatment. An employer is not liable should the employee contract COVID provided the employer took reasonable steps in their office. The bill goes on to provide while Ohio may establish certain recommended protocols, an employer's failure to follow each element of the protocol will not be presumed that the employer is not taking reasonable steps. We certainly recommend where possible you follow those protocols however.

### Financial Support Legislation.

There were several bills enacted that provided funds to employers to assist in recovery efforts. The Paycheck Protection Program (PPP) provides loans through the Small Business Administration in an amount of approximately two months of payroll which if used to cover payroll and other approved

*continued on page 6*



### COVID, PRIVACY AND MORE! NEW CHALLENGES FOR PHYSICIANS IN 2021 *continued*

expenses would result in the loan being forgiven. Additional tax-relief was included. Normally, when a loan is cancelled, that is deemed by the IRS to be income to the borrower. The PPP loan forgiveness is not deemed to be income. Second, employers used the funds to pay payroll. Originally there had been an inference that payroll expense, which ordinarily would have been a deductible business expense, would not be permitted to be deducted if it was paid for by PPP money. Subsequent interpretations in fact concluded that employers can take the ordinary business deduction. Borrowers must file an application seeking forgiveness and the portals to do so are currently open. Borrowers must however maintain good records to document that the funds were used exactly as permitted. People can also apply for additional PPP loans for the 2020 time period if the business could demonstrate at least one quarter where the 2020 income of the practice was lower than the corresponding period in 2019. If you could meet the qualifying quarter, you would again be eligible for more PPP money.

#### CARES Act Relief Fund.

This provided an automatic deposit into your account of 2% of the Medicare fees collected by your practice in 2019. These funds are to be used for expenses such as acquisition of PPE, renovations in your office, training and lost income for physicians provided however it cannot duplicate any funds being used for PPP purposes. Again, funds should be segregated and a report has to be submitted attesting to the use of the funds. The portal is open and must be completed by July 31, 2021.

#### American Resource Rescue Plan.

The most recent bill includes a provision that provides for an employee retention credit that while similar to the PPP, has some different measures. You should discuss these options with your accountant to make sure that you maximize any credits that are available.

#### Patient Privacy and Security.

While HIPAA has been in effect since 2004, it should be a standard part of your practice. It is important to verify that your practice is diligently following all of the requirements under HIPAA, that includes making sure that a Notice of Privacy Practices are provided to patients, that staff and physicians undergo annual updates in training, and to make sure that your written plans are up-to-date. There were major revisions to the HIPAA requirements that came into effect in 2011 and if your plan has not been modified since that time it is probably out

of compliance. Further, with the changes in implementation of telemedicine during the pandemic, many plans are likewise out of date if it does not specifically include features for telling patients how you handle telemedicine interactions with the patients. You should review and make sure your plan is up to date. If not, it should be reviewed by an experienced healthcare attorney.

A second part of HIPAA deals with security standards for the protection of records against cyber-attack or the like. The practice is required to conduct what is known as a risk assessment to determine if you have the most up-to-date electronic security features, the use of passwords, authentication codes, are your records backed up, and what steps have you implemented to protect against cyber-attack. Because HIPAA has been in effect for over 15 years, the federal enforcement office now takes a position that any HIPAA violation should be sanctioned, and fines paid. In 2020 alone, the federal government collected over \$13 Million in fines simply from HIPAA violations.

In addition to monetary sanctions, there has been an increase in cyber attacks on medical practices of all sizes including even one-professional offices. We recently worked with a professional whose office was cyber attacked and the cost to recover, payment of technology fees, ransom and the like, was significant let alone the loss of productivity during the downtime. You may want to look at cyber attack insurance.

Congress adopted the 21st Century Cures Act which goes into effect April 5, 2021. This provision enhances the rights of patients to access information and imposes significant penalties of up to \$1 Million per violation for both healthcare providers or healthcare systems technology and the like, which make it difficult or create barriers for patients to obtain their medical information. Again, part of the review assessment and updates of your HIPAA plans may well protect you from these additional risks.

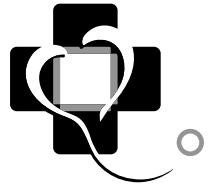
#### Action Steps.

We recommend that you periodically look at the details of your compliance plans. If you participated in any of the COVID programs verify that you have segregated records to account for all dollars in and how expenses were paid using those dollars and make sure you timely do the reporting and attestation in order to get the loan forgiveness under PPP and accurately report so you can keep the CARES Act money.

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This article is a recap of information presented to Stark County Medical Society in its webinar series on March 24, 2021.

If you would like copies of the presentation or have any questions, please contact Scott P. Sandrock at [spsandrock@bmdllc.com](mailto:spsandrock@bmdllc.com) or (330) 253-4367.



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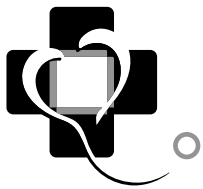
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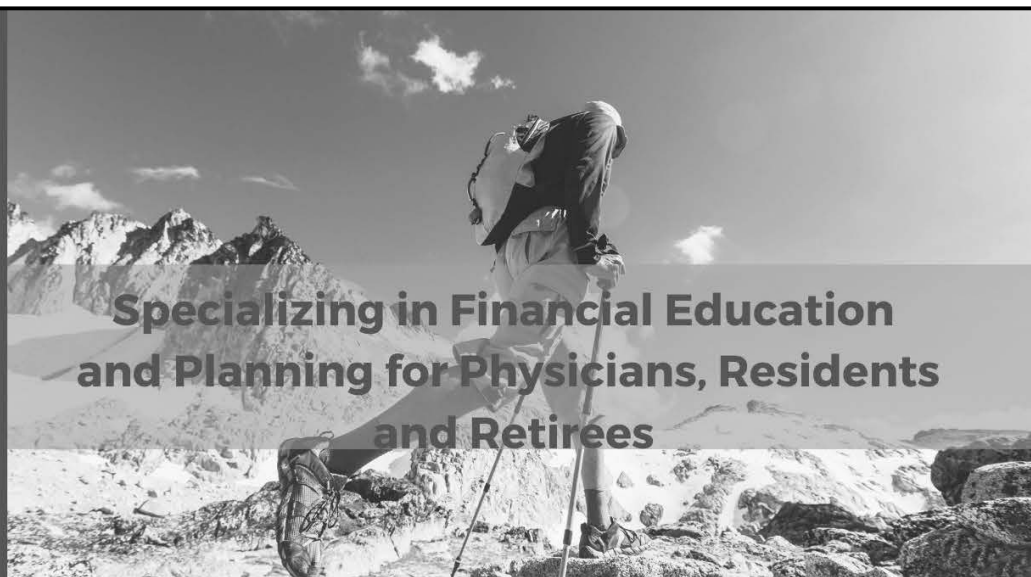
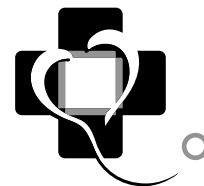
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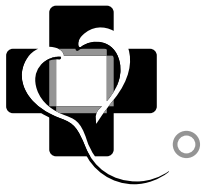


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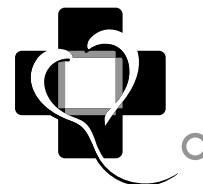
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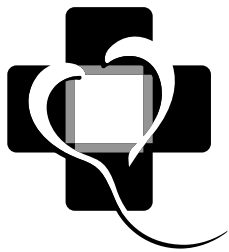
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Method to determine % change in Consumer Price Index (CPI) to Increase or Decrease Costs Associated with Providing Medical Records in Accordance with Ohio Revised Code Section 3701.742						
CPI for current period (2020)	258.81					
Less CPI for previous period (2019)	255.66					
Equals Index point change	3.15					
Divided by previous period CPI (2019)	255.66					
Equals	0.012					
Result multiplied by 100	1.23					
Equals percent change	1.23%					
<b>Costs for Calendar Year 2021 Based on a 1.23% change in the CPI</b>						
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The actual cost of any related postage incurred by the health care provider or medical records company.	Actual Cost					
If the request is made other than by the patient or the patient's personal representative, total costs for copies and all services related to those copies shall not exceed the sum of the following:						
An initial fee which shall compensate for the records search:	20.68					
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For the first ten pages:	\$1.36	per page				
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For pages fifty-one and higher:	\$0.28	per page				
With respect to data resulting from an X-ray, MRI, or CAT scan recorded on paper or film:	\$2.30	per page				
The actual cost of any related postage incurred by the health care provider or medical records company.	Actual Cost					



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**Calendar  
of Events**  
SCMS

**2021**

*Every effort has been made to  
publish an accurate Calendar.  
Please continue to check the  
SCMS News for any unforeseen  
modification in dates and locations.  
Thank you.*

**APRIL 28**  
(Wed.)

Lifetime Financial Growth, LLC  
Webinar - 5:30 PM

**TBD**

SCMS / SCMSA Health Fair

**MAY 26**  
(Wed.)

AUI, Inc. Webinar - 5:30 PM

**SEPT. 22**  
(Wed.)

Golf Outing - 10:30 AM

**JUNE TBD**  
(Thurs.)

Membership Meeting

**OCT. 21**  
(Thurs.)

Annual Meeting - 6:00 PM

**JUNE 23**  
(Wed.)

Lifetime Financial Growth, LLC  
Webinar - 5:30 PM

**TBD**

Practice Manager Lunch

**AUG. TBD**  
(Thurs.)

Membership Meeting

**Join us for these upcoming events!**