



# COA Report

California Orthopaedic Association

January 8, 2021

## COVID-19 GUIDANCE

### California Department of Public Health Notices — COVID-19

California Department of Public Health

Please read carefully the following important notices from the California Department of Public Health (CPH) Notices.

#### Elective Surgeries

Effective January 5, 2021, when a county is in a region under the Regional Stay At Home Order that has 0% ICU availability and the CDPH calculation of the ICU availability for that county is 10% or less, all hospitals and ambulatory surgery centers shall categorize all elective procedures by Tiers using the Elective Surgery Acuity Scale. The scale does state that:

- The medical need for a given procedure should be established by a surgeon with direct expertise in the relevant surgical specialty to determine what medical risks will be incurred by case delay.

#### [Read the CDPH Notice](#)

Surgeons will have to work closely with their hospital/ASC to evaluate patient need for elective procedures. While more complicated, the Governor responded to COA's request not to implement a statewide ban on elective procedures.

#### COVID-19 Vaccinations — Where Are you on the Schedule to Get a Vaccination?

Many COA members are reporting that they are receiving a COVID-19 vaccination through their local hospital under the state's Phase 1A – distribution plan – front line health care workers - the first to receive the vaccination.

When there is a shortage of vaccinations which currently exists, California's Department of Public Health has developed a priority list as to how the scarce vaccinations will be distributed. They have developed three tiers under Phase 1A. Specialty clinics fall under Phase 1A Tier 3.

For those COA members who do not have hospital privileges and for your private practice staff, you are likely to fall under Phase 1A Tier 3.

Phase 1B and Phase 1C apply to other Californians who are not either a healthcare worker or a long-term care resident. For these individuals, access to the vaccination will be age-based, based on your risk based on your employment, or based on your other health conditions.

Here are the directives from the CDPH:

<https://covid19.ca.gov/vaccines/>

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/CDPH-Allocation-Guidelines-for-COVID-19-Vaccine->

[During-Phase-1A-Recommendations.aspx](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-Vaccine-Regional-Distribution-First-Shipment.aspx)

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-Vaccine-Regional-Distribution-First-Shipment.aspx>

The timeline for when the COVID-19 vaccinations will be available to Tiers 2 and 3 or Phase 1B and Phase 1C is likely to vary from county to county. It seems that additional vaccinations have become available this week.

We suggest that you check with your local county health department to obtain more specific information as to when and how you will be able to receive the vaccination for you, your staff, and your family members as more vaccinations become available and are distributed to counties throughout California.



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## MEDICARE NEWS – 2021

### CMS Updates the Medicare 2021 Physician Fee Schedule — Increases Conversion Factor

CMS

**GOOD NEWS FOR SURGEONS**

**Your Advocacy Efforts Were Successful**

Federal legislation that passed in the last days of 2020 and signed by President Trump entitled, the Consolidated Appropriations Act, 2021 modified the Calendar Year (CY) 2021 Medicare Physician Fee Schedule (MPFS) as follows:

- Provided a 3.75% increase in MPFS payments for CY 2021
- Suspended the 2% payment adjustment (sequestration) through March 31, 2021
- Reinstated the 1.0 floor on the work Geographic Practice Cost Index through CY 2023
- Delayed implementation of the inherent complexity add-on code for evaluation and management services (G2211) until CY 2024

Members of Congress heard the concerns of physicians that decreasing reimbursement during the COVID-19 pandemic would only compound the problem for physicians who are trying to keep their offices open. COA representatives had urged members of the California Congressional delegation to support these changes.

In response to this legislation, CMS has recalculated the MPFS payment rates and conversion factor to reflect these changes. **The revised MPFS conversion factor for CY 2021 is 34.8931.** Initially, CMS had set the conversion factor at \$32.41. The revised payment rates are available in the Downloads section of the CY 2021 Physician Fee Schedule [final rule \(CMS-1734-F\)](#) webpage.

## PRACTICE GUIDANCE

### **ALERT — Medical Supply Costs — Private Offices and ASCs**

COA  
COA has been alerted that medical supply companies are significantly increasing the costs of medical supplies – by as much as 25%. Some of the increase may be attributed to a short supply of PPE needed during this ongoing COVID-19 pandemic and distributors having to now bid for supplies. Other increases may be the result of the materials needed to produce the PPE being in short supply. And finally, other increases may be the result of medical supply companies taking this opportunity to alter SKU numbers and bill you for a slightly different supply at a higher price point.

**We urge COA members to be aware of these increased costs** and to aggressively work with your office staff and facilities to conserve medical supplies when appropriate. We also urge you to work with your distributors to see if there are ways to reduce these increased costs.

### PRODUCT SHOWCASE



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### **Order Extending May 6, 2020, Order Waiving In-Person Physician Examination Requirement for Continued Physical Therapy Treatment**

State of California Department of Consumer Affairs  
On March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

[READ MORE](#)

### **Further Guidance for Physicians Regarding 2021 Changes to Prescription Forms**

The Medical Board of California  
The Medical Board of California (Board) is sharing the following guidance regarding instances where a prescriber may not have utilized a compliant security prescription form for a controlled substance on and after January 1, 2021, as required by [Assembly Bill 149](#) (Statutes of 2019).

To reduce potential negative impact to patients, the Board would like to remind prescribers and pharmacists of the provisions related to oral or electronically transmitted prescriptions for any controlled substance classified in Schedule III, IV and V, Health and Safety Code section 11164(b). Additionally, the Board encourages prescribers and pharmacists to work together as appropriate to address the needs of patients in possession of noncompliant forms.

For additional information on new compliant security prescription forms, please visit our webpage - [New Prescribing and Reporting Rules for Controlled Substances Coming January 1, 2021](#).



## WORKERS' COMPENSATION GUIDANCE

### Mileage Rate for Medical and Medical-Legal Travel Expenses Decreases Effective January 1, 2021

State of California Department of Industrial Relations

The Division of Workers' Compensation (DWC) is announcing the decrease of the mileage rate for medical and medical-legal travel expenses by 1.5 cents to 56 cents per mile effective January 1, 2021. This rate must be paid for travel on or after January 1, 2021 regardless of the date of injury. Labor Code Section 4600, in conjunction with Government Code Section 19820 and the California Department of Human Resources regulations, establishes the rate payable for mileage reimbursement for medical and medical-legal expenses and ties it to the Internal Revenue Service (IRS).

[READ MORE](#)



### Register Today for Your Complimentary Access To the Latest ACOEM COVID-19 Guidance as Well as the Complete Set of MTUS-ACOEM Guidelines

Division of Workers' Compensation Department of Industrial Relations

The American College of Occupational and Environmental Medicine (ACOEM) updated its COVID-19 Clinical Practice Guideline with the latest evidence-based guidance regarding COVID-19 treatments and recommendations. Updates include:

- Vaccine guidance and recommendations
- Strengthened recommendation for use of Vitamin D
- Strengthened recommendation for use of Interferon-Beta-1b
- Strengthened recommendation for use of glucocorticosteroids
- Revised guidance against use of Lopinavir/Ritonavir as a stand-alone treatment

This COVID-19 guideline update along with the MTUS formulary and the complete set of ACOEM Clinical Practice Guidelines are now available at no cost to all physicians working in the State of CA workers' compensation system. It is important that all providers treating workers' compensation patients in the state have access to the latest clinical guidance, so you are encouraged to [register today for your complimentary access to the MTUS-ACOEM Edition website](#).



COA Report

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