



# COA Report

California Orthopaedic Association

Oct. 2, 2020

## TOP NEWS

### Zurich Refusing to Pay Providers

#### DaisyBill

This is an **URGENT** article written to alert California workers' comp providers that Zurich is incorrectly denying workers' comp bills by citing the untimely filing of the bills. Zurich's action is noncompliant with California law and its sudden misapplication of a two-year-old regulation is cause for alarm for providers throughout California.

COA is also receiving complaints regarding Zurich's inappropriate bill rejections. We have brought this problem to the attention of Legal Counsel for the Division of Workers' Compensation (DWC). To appeal these denials, physicians must file a request for Second Review within 90 days of receipt of the Explanation of Review (EOR). When you file the request for a second review, we suggest that you attach a copy of Labor Code 4603.2(b) which clearly gives the provider 12 months to bill a service. Here's a link to: 1) [DWC Second Review form](#), and [Labor Code 4603.2\(b\)](#). COA is also requesting that Zurich automatically reprocess these denied bills without the surgeon needing to file a second review.

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### Stem Cell Clinics Sued for Deceptive Claims

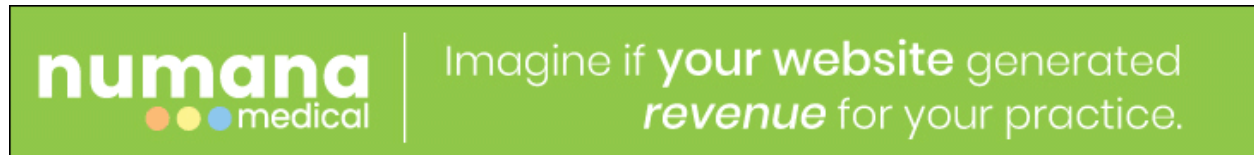
**Georgia Sues Stem Cell Clinic for False Advertising, Making Over \$6 Million on Unproven Stem Cell Shots**  
*State of Georgia, Office of the Attorney General*

In Georgia, Attorney General Chris Carr filed suit against Elite Integrated Medical, LLC, formerly known as Superior Healthcare of Woodstock, LLC d/b/a Superior Healthcare Group, Superior Healthcare Sandy Springs, and Superior Healthcare Morrow, along with its owner, Justin Paulk, (collectively "Elite") for allegedly violating the Georgia Fair Business Practices Act (FBPA) by making false and misleading claims about the regenerative medicine products they offered to Georgia consumers.

## Stem Cell Clinics Face Lawsuits by the Attorney Generals in Nebraska, Iowa

*The Spokesman-Review*

A company based in Post Falls, Idaho, which operates clinics across the country that claim they can reverse aging or cure everything from lung ailments to joint pain through stem cell therapy, has been sued by the attorneys general of Iowa and Nebraska for what they say are false claims about the benefits of the injections.



## PRACTICE GUIDANCE

### COVID-19: HHS Publishes Long-awaited Reporting Requirements for Provider Relief Fund Recipients

**Foley & Lardner LLP**

On September 19, 2020, the Department of Health and Human Services (HHS) released guidance establishing the reporting requirements for health care providers that received Provider Relief Fund (PRF) payments. These reporting requirements apply to PRF recipients who received one or more payments exceeding \$10,000 in the aggregate, but do not apply to the Nursing Home Infection Control distribution, the Rural Health Clinic Testing distribution, or to reimbursement from the Health Resources and Services Administration Uninsured Program. HHS has stated that the reporting portal shall be open starting January 15, 2021. A prior HHS notice established that a report of expenditures through December 31, 2020 is required no later than February 15, 2021, and, if necessary, a second and final report is due July 31, 2021.

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### Temporary Waiver Granted to Extend Licensing Deadline

**Medical Board of California**

On September 30, 2020, the Department of Consumer Affairs Director issued [DCA Waiver DCA-20-65](#) extending the deadline to December 31, 2020, for individuals who completed at least 36 months of approved postgraduate training outside of California, were enrolled in an approved postgraduate training program in California on July 1, 2020, and who are required to obtain a physician's and surgeon's license from the Medical Board of California (Board) within 90 days to continue the practice of medicine, pursuant to [Business and Professions Code section 2065, subdivision \(h\)](#).

This temporary waiver does not relieve such individuals from complying with any and all other requirements, including completing and submitting the required application forms and supporting documents to the Board. If the

individual fails to obtain a physician and surgeon license on or before December 31, 2020, or the Board denies the application, the individual must cease all clinical training in California until a physician and surgeon license is issued.

## Oregon Court Errs in Liability Ruling

### Protect Patients Now

The Oregon Supreme Court has ruled against the state's limits on non-economic damages for personal injury cases, with the state's wrongful death cap remaining, putting an attractive place to practice medicine in limbo.

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## Modifier 78: Global Period Impact

### KarenZupko & Associates, Inc.

Modifier 78 does not restart the global period and will be subject to a reduction in reimbursement for the portion of the global period which overlaps with the original surgery. CMS's reimbursement formula for a procedure with a modifier 78 does not include payment for post-operative days, thus the global days stay with the original procedure.

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### COA Report

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[Dennis Hall](#), Director of Publishing, 469-420-2656 | [Download media kit](#)  
[Brie Ragland](#), Content Editor, 469-420-2604 | [Contribute news](#)

#### California Orthopaedic Association

1246 P Street | Sacramento, CA 95814 | 916-454-9884 | [Contact Us](#) | [www.coa.org](http://www.coa.org)

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