



**FLORIDA SOCIETY OF CLINICAL ONCOLOGY FAX BLAST –February 19, 2009**

**FLASCO WEBSITE: [www.flasco.org](http://www.flasco.org)**

**FLASCO CLINICAL TRIALS NETWORK WEBSITE: [www.fctn.org](http://www.fctn.org)**

**MESSAGE FROM THE FLASCO PRESIDENT: Robert Cassell, MD**

**Florida Office of Legislative Services Seeks Volunteers**

The 2009 Legislative Session begins Tuesday, March 3, 2009, and the Florida Office of Legislative Services is looking for physicians to participate in the legislature's *Doctor of the Day* program. The legislature needs two physicians for each day of the legislative session, one for the House of Representatives and one for the Senate. If you are interested in serving as Doctor of the Day, please contact Althea Houston with the Florida Office of Legislative Services at 850-488-6803. The 2009 Legislative Session is scheduled to adjourn Friday, May 1, 2009

**PROGRAM COMMITTEE: Rogerio Lilenbaum, MD, Chairman**

**Save the date for FLASCO Annual Meeting & Spring Session:**

The 2009 FLASCO Annual Meeting and Spring Session will be held on February 27 and 28, 2009, at the Marriott Sawgrass Resort near Jacksonville. The President of ASCO and the CEO of ASCO will both speak at the dinner on Friday, February 27. Please mark your calendars to attend this meeting. A meeting announcement and registration form has been mailed to all FLASCO members. A registration form can be found on our website: [www.flasco.org](http://www.flasco.org) – under events or contact the FLASCO Office.

**CLINICAL PRACTICE COMMITTEE UPDATE: Thomas Gaddis, MD, Chairman**

**RECENT ISSUES SUBMITTED BY FLASCO MEMBERS**

**Aranesp Denials**

- Q. Our collectors are stating that they are getting denials for the use of Aranesp. For example, the patient is coming in for his Lupron shot as well as his Aranesp injection. The Lupron is coded 185 (for his prostate cancer) and his Aranesp is coded correctly for his CKD with the 285.21 and the EC modifier. It is two different issues but is Medicare denying us because they see a cancer dx on the claim though his encounter for the Aranesp was for a different clinical indication (meaning the CKD)? They are indicating from DDE it is a 76430 or sometimes 58ESA denial reason. They claim there is no consistency
- A. FCSO has stated that providers are billing ESAs with the EC modifier for cancer dx codes on the claim. FCSO had to modify their system to address this inappropriate billing and when they did so they failed to address scenarios like the one described above. FCSO is working to revise their system for the scenario describe above. This will not be in place until after transition on 3/2/09. instructions. Please see information in January 22 fax blast - the above scenario would apply here as well. But providers will continue to receive denials until after 3/2/09 when the fix is in place

**20% Co-Payments**

- Q. We have encountered a problem with an insurance plan where the patients are now being asked to pay 20% of chemotherapy.
- A. Medicare has a 20% standard co-pay for all services, including chemotherapy. Private insurers can use their discretion. Some, including some Medicare HMOs, are charging the 20% co-pay. Blue Cross, at our request, is looking at their policies. The state can not do anything about Medicare HMOs because it is a federal program.

## Wastage

- Q. We are not being allowed to bill for wasted chemotherapy.
- A. Billing for wastage from a single-use vial is a standard practice and is accepted by Medicare and most payers. The wastage must be documented (and the drug cannot be given to a different patient). Wastage from a multiple-use vial is often not covered – check with the insurance company.

## Clinical Trials

- Q. We are running into more frequent denials and difficulties getting insurance reimbursement for standard of care portions of our clinical trials.
- A. This has been a long-standing problem. Medicare will pay for “standard of care” for patients on clinical trials, but some insurers refuse. The FLASCO Board will discuss this. The issue has also been referred to FMA.

## MEDICARE/MEDICAID - Prepare For Approaching ABN Deadline

Medicare is currently phasing out the prior prescribed forms (ABN-G and ABN-L), which continue to be effective through February 28, 2009. On and after **March 1, 2009**, however, physicians must use the revised ABN form (CMS-R-131) in order for the advance notice to be effective when limitation on liability applies to outpatient services.

## Update on Leucovorin Shortage

Currently, both Teva and Bedford are manufacturing and releasing leucovorin at this time. It will take several weeks to fill all backorders, however. Late February/early March appears to be the timeframe when supplies are anticipated to meet historical demand. Teva has experienced a shortage due to "increased demand", but is manufacturing at full capacity. Bedford is still experiencing manufacturing delays, however.

Bedford has informed ASCO that they have set aside an emergency supply, which can be accessed through the company's customer service #1-800-562-4797. They have the 50 mL vial (NDC 55390-0009-01) and the 50 mL Novaplus vial (NDC 55390-0826-01) available through the emergency order program. Spectrum's Fusilev (levoleucovorin) 50 mg single use vials (NDC 68152-0101-00) continue to be available

## OIG Review of Hospital Oxaliplatin Billing

The Office of Inspector General (OIG) is currently auditing claims billed by hospitals for oxaliplatin during Calendar Years 2004 and 2005. Under the Medicare hospital outpatient prospective payment system, as a new drug oxaliplatin was eligible for a higher transitional pass-through payment amount from July 1, 2003, to December 31, 2005. Hospitals were to bill using the code C9205 (Injection oxaliplatin, 5 mg) to obtain the pass-through payment. Some hospitals submitting claims under C9205, however, incorrectly used the unit for the practitioner's code (J9263, Injection oxaliplatin, 0.5 mg). Consequently, the hospitals submitted claims for ten times the amount of oxaliplatin actually administered. More information regarding the oxaliplatin audits can be found on the OIG website - <http://www.oig.hhs.gov/>

## MEDLEARN MATTERS:

### New:

MM6357 – ViPs Medicare Systems (VMS) Modifications to Implement the Common Electronic Data Interchange (CEDI) System, Final Implementation

<http://www.cms.hhs.gov/MLNMMattersArticles/downloads/MM6357.pdf>

MM6330 – Clarification on Use of National Drug Codes (NDCs) in 837 I Billing

<http://www.cms.hhs.gov/MLNMMattersArticles/downloads/MM6330.pdf>

MM6363 – Corrections to the Inpatient Prospective Payment System Wage Index for Fiscal Year (FY) 2009

<http://www.cms.hhs.gov/MLNMMattersArticles/downloads/MM6363.pdf>

MM6300 – Payments to Institutional Providers with Multiple Service Delivery Locations

<http://www.cms.hhs.gov/MLNMMattersArticles/downloads/MM6300.pdf>

### **Revised:**

MM6139 – Implementation of New Provider Authentication Requirements for Medicare Contractor Provider Telephone and Written Inquiries <http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM6139.pdf>

MM6332 – Correction to the Common Working File (CWF) for Late Recertifications <http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM6332.pdf>

### **ASCO UPDATES:**

#### **New ASCO Guide Helps Patients and Doctors Communicate about the Cost of Cancer Care**

On February 5, ASCO released a new guide to help patients and doctors better communicate about the costs associated with cancer care. The booklet, available online at [www.cancer.net/managingcostofcare](http://www.cancer.net/managingcostofcare), includes:

- A list of questions that patients can ask their doctors about health care costs, including costs associated with medication and treatment, doctor visits, and associated expenses such as transportation, other living expenses, and long-term care.
- Information on resources for patients who have employment or health insurance problems related to their cancer treatment.
- Tips for organizing bills and expenses related to the cost of cancer treatment.
- A list of financial resources available to people with cancer.
- A glossary of cancer treatment and financial terms.

For more information on ASCO's Cost of Care Task Force, contact ASCO's Cancer Policy & Clinical Affairs Department at 571-483-1670, or [cancerquality@asco.org](mailto:cancerquality@asco.org).

#### **ASCO Leads Effort in Developing Oncology-specific EHR Criteria**

ASCO, with the support of the National Cancer Institute (NCI) and the American Cancer Society, submitted an application to the Certification Commission for Healthcare Information Technology (CCHIT®) for expansion of its electronic health record certification program to include oncology.

As a result, CCHIT has accepted oncology as an additional area for future consideration. ASCO will be a leading resource to CCHIT as it researches and develops the oncology certification process over the next two years. The final certification program is set to launch in 2011.

CCHIT is a private, nonprofit organization that has been recognized by the federal government as an official certification body for health information technology. For more information on ASCO's involvement in the Oncology Roadmap, contact ASCO's Cancer Policy & Clinical Affairs Department, at 571-483-1670 or [practice@asco.org](mailto:practice@asco.org)

#### **ASCO Opposes Local Oral vs. IV Coverage Policy**

On February 9, ASCO sent a letter to CMS voicing opposition to a local coverage policy revision made by National Government Services (NGS), the Medicare contractor for 25 states and 5 U.S. territories, that states the oral form of a medication should be used first and fail before the injectable/intravenous form can be administered.

This coverage policy would apply to all drugs that are available in both oral and intravenous forms. NGS published a supplemental article that further clarifies this coverage policy.

ASCO's letter argues that the NGS policy is improperly based on national Part B coverage of oral antiemetics when used as full replacement for intravenous antiemetics, rather than recognizing that intravenous administration of antiemetics is part of standard medical practice.

### **EDUCATIONAL OPPORTUNITIES:**

The CBCE, along with conference chairmen Dr. Rogerio Lilenbaum and Dr. Mark Socinski, would like to invite all FLASCO members to the upcoming Winter Lung Cancer Conference, **March 6-8th in Sunny Isles Beach, FL**. They are pleased to extend to FLASCO members a discounted conference registration rate of **\$75.00**.

This activity is intended for medical, surgical, and radiation oncologists; thoracic surgeons; pulmonologists; nurses; pharmacists; advanced practitioners; physician assistants; and other healthcare professionals interested in the treatment of patients with lung cancer. The program is accredited for physicians, nurses, pharmacists, and physician assistants.

**Registration Link:** [www.thebce.com/wlcc](http://www.thebce.com/wlcc)

**BUSINESS AND FINANCE:** (Source: Phipps Wealth Management Group)

**Q.** As a Florida physician, if I have sovereign immunity can I still be sued?

**A.** Absolutely. You are a private citizen, perceived to have “deep pockets” and are subject to non medical litigation like all Florida residents. Contact us for details.

For additional information you may contact: 561-276-1635 Direct - 877-276-1635 Toll Free - 561-922-3275 - Fax - E-mail: [jeffrey\\_phippsr@ml.com](mailto:jeffrey_phippsr@ml.com) - <http://fa.ml.com/PhippsGroup/>

**CORPORATE MEMBERSHIP/SPONSORSHIP: (January 1 – December 31, 2009)**

FLASCO Members extend a big thanks to all of our 2009 Corporate Members/Sponsors (Companies listed below have either paid 2009 dues or have submitted letters of intent)

**PLATINUM**

AMGEN  
Bayer/Onyx  
Cephalon Oncology  
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Celgene  
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GlaxoSmithKline  
The Phipps Wealth  
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**GOLD**

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Genomic Health  
Wyeth  
Roche  
Millennium

**SILVER**

OSI Pharmaceuticals  
US Oncology

**BRONZE**

Genzyme

**FLASCO 2009 MEETINGS:**

**February 27 & 28, 2009 – FLASCO Spring Meeting – Marriott Sawgrass – Jacksonville**

**November 6-7, 2009 – FLASCO Fall Meeting – Tampa Airport Marriott Hotel**

**March 6-7, 2010 – Location TBD**

**FLASCO EVENTS:**

**FLASCO is co-sponsoring the following two Events:**

**(1) March 20, 2009 – Statewide PA & NP Conference, Moffitt Cancer Center – Tampa**

**OTHER EVENTS:**

**March 6 – 8, 2009 – Sixth Annual Winter Lung Cancer Conference – Sunny Isles Beach, FL - <http://www.thebce.com/>**

**April 3 – 4, 2009 – OMF 2009 Spring Conference – Renaissance Orlando at Sea World – registration form is available at:**

**<http://www.oncologymanagersofflorida.com/>**

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