

SNAP SHOT



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GENERAL MEETING

SNAP Calendar 2012

SNAP General Meetings Every Third Tuesday at Noon (see flyer)

ZoZo's Restaurant @ 3446 Lakeside Drive

January 17, 2012:

Speaker: Amy Parks, Chief Legal Counsel

Topic: Insurance Commission

January 26, 2012:

Post-Holiday / Happy New Year's Party

May 18, 2012:

SNAP Annual Seminar

Officers and Chairpersons

President: Susan Sunday, ACP

1st VP/Education: Melissa Paschal, CP

2nd Vice President/Membership/Job Bank:

Amy Hodgson, ACP

Treasurer: Erin Tieslau, CP

Parliamentarian: Susan Davis, CLA, PLS

Secretary: Linda Palmer

NALA Liaison: Anna Buchner

Student Liaison: Bobbie Munoz

Activities/Social Chair: Jessica Bradshaw

Newsletter & Web Site Editor: Lynda Traves

<http://www.facebook.com/pages/Sierra-Nevada-Association-of-Paralegals/270576446293745?sk=wall>

Presidential Ramblings

Happy New Year

Like many others, I made New Year's resolutions, both personally and professionally. My personal resolution is to exercise at least three times a week. Today my husband and I went hiking, so I met my goal for day one of week one. My professional resolution is to improve my skills. I am currently researching classes that interest me and provide additional skills.

SNAP's study group to help prepare its members for NALA's Certified Paralegal exam is underway. We met for the first time on Tuesday, January 3, 2012. I am pleased to see our members taking advantage of this benefit. While study groups are not for everyone, it definitely helped me. I was a member of a SNAP study group in 2006. It provided me with the structure and motivation I needed to study for the NALA Certified Paralegal exam. I met a great group of people and created some lasting friendships.

If you are already a Certified Paralegal through NALA, the next step is the Advanced Paralegal Certification. NALA offers web based certification courses in 12 different areas. In addition, once you complete the course, you receive 20 hours of credit towards maintaining the CLA/CP credential. Go to www.NALA.org for details.

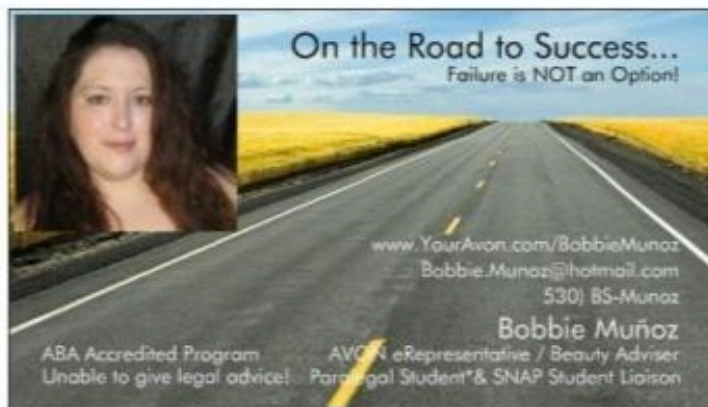
Whatever your resolution may be, I encourage you to move forward to attain your goal.

Respectfully submitted,

Susan Sunday, ACP

President

Biography of SNAP Member: New Student Liaison Bobbie Muñoz



My name is Bobbie Muñoz. I am thirty-three (33) years young. This semester will be my third in the paralegal program offered at Truckee Meadows Community College (TMCC). TMCC offers the only ABA accredited paralegal program here in Nevada. I am considered a three quarter (3/4) time undergraduate student. I usually take only two (2) to four (4) classes per semester. Upon completion I will have earned an associate of applied science degree. I feel it is important to not bite off more than I can chew. I strive for an A / B average, when it comes to my grades.

I am married to a wonderful man. He is very supportive of my academic and career goals. We met approximately ten (10) years ago. After a prolonged absence from each other's lives we re-acquainted April 1st, 2008. On April 19th, 2009, we exchanged vows and have been together since. We have no children of own; we do help take care of our god-children, nieces, and nephews.

December, 2010 I joined SNAP and was appointed the student liaison position. I am sure this will be an awarding opportunity and open many doors for towards my career goals. Thus far the board members seem to be lovely ladies. They have all made me feel welcomed.

I would like to take this moment to also thank you for allowing me to introduce myself. I hope all of you have enjoyed your holidays with loved ones, making lasting memories, and that you have a very happy and prosperous new year.



Joke of the Month

A small town prosecuting attorney called his first witness to the stand in a trial, a sweet-looking, grandmotherly type woman. After she stated her name and was sworn in, he asked the witness, "Mrs. Jones, do you know me?"

She responded, "Why, yes, I do know you, Mr. Williams. I've known you since you were a young boy. And frankly, you've been a big disappointment to this whole town. You lie, you cheat on your wife, you manipulate people and talk about them behind their backs. You think you're a rising big shot when you haven't the brains to realize you'll never amount to anything more than a two-bit paper pusher. So, yes, you could that say I know you."

The lawyer was stunned. Not knowing what else to do he pointed across the room and asked, "Mrs. Jones, do you know the defense attorney?"

She replied, "Why, yes I do know Mr. Bradley. I've known him since he was a youngster too, and I even

used to babysit him for his parents. He, too, has been a real failure. He's lazy, bigoted, an alcoholic, and he has a major gambling problem. The man can't build a normal relationship with anyone and his law practice is one of the worst in the entire state. Not to mention he cheated on his wife with three different women before she finally got smart and divorced him. So, yes, I know him too. Is that a problem?"

The defense attorney was understandably surprised and shocked and the audience in the courtroom was all aflutter.

At this point, the Judge banged his gavel and brought the courtroom to silence and called both counselors to the bench. After covering his microphone, in a very quiet voice, he said with menace, "If either of you bastards asks her if she knows me, you'll be jailed for contempt!"

Ethic Questions of the Month

From the CLA/CP Study Guide Mock Examination Book

1. Jane is a rehabilitation nurse working with individuals who have been injured on the job. Her brother and sister recently graduated from law school and opened their own firm specializing in workers' compensation and personal injury. Looking for sources of referral, the lawyers propose to Jane that for every patient referred to them, they will pay Jane ten percent of any fee collected as a "finder's fee."

Which of the following is most accurate?

- This is permissible because Jane is not part of the law firm.
- This is an acceptable practice because the lawyers have a financial obligation to the client to represent the client zealously; thus, the lawyer is motivated to seek the largest recovery for the client.
- The lawyers cannot fee-split with non-lawyers.
- If Jane had been employed by the law firm as a nurse-legal assistant, splitting the fee would be acceptable.

2. **True or False.** Fees may be split between lawyers associated with separate offices if the client consents to the employment of both attorneys and to the percentage of fees to each, provided the fee is not excessive.

3. Attorney Timmy Testosterone is a handsome bachelor in Papillion who has a reputation as an excellent divorce lawyer. His client, Dave Dudd, suggests that Timmy obtain whatever particulars possible from Dottie Dudd, Dave's soon-to-be ex-wife. Dave makes it known that he wants custody of the children. Dave casually mentions to Timmy that Dottie uses cocaine. Timmy contacts a friend at the police department to obtain some confiscated cocaine. Soon after, Timmy visits Dottie, who enjoys the cocaine and Timmy's company. During the evening, Dottie discloses information that is damaging to her credibility as a parent. Timmy tucks



away this new information in the event he needs to use it. After leaving Dottie, Timmy informs his detective friend of the whereabouts of Dottie's cocaine and she is arrested for possession. Dave is delighted because he is sure this will aid him in getting custody of the children. **What are the ethical concerns?**

- Timmy Testosterone engaged in activities that are analogous with overly zealous representation.
- Timmy Testosterone engaged in illegal activity to secure damaging information for his own client.
- It is the lawyer's responsibility to reveal to the court that Dottie Dudd is an illegal drug user.
- a and b

4. A lawyer may accept ownership interest in a business for payment of services but cannot accept a proprietary interest in the outcome of a case. **This type of proprietary interest is forbidden and is referred to as:**

- assumpsit.
- compos mentis.
- champerty.
- pro hac vice.

5. Larry Legal Assistant and his supervising lawyer are involved in a real estate development transaction for a client for building a multilevel shopping and business center. The area to be developed is in a blighted area of the city. This development will result in dramatic increases in property values in the surrounding areas. Three weeks after the transaction is completed, Larry and his employer-lawyer, along with friends, purchase real estate surrounding the potential business center. **Any ethical problems?**

- Yes, it is prohibited for lawyers and non-lawyers to engage in a business enterprise together.
- No problems exist.
- To avoid the appearance of impropriety, more time should have elapsed from the completion date of the transaction to the date of purchase.
- Yes, disclosure of confidential information was used inappropriately for personal gain.

Washoe County Law Library

75 Court Street, Room 101, Reno, NV

(775) 328-3250

<http://www.co.washoe.nv.us/lawlib/hoursloc.htm>

Nevada Legal Resources

Class at Washoe County Law Library

http://www.co.washoe.nv.us/index/display_outreach.html~details=8895

Washoe Legal Services

299 South Arlington Avenue
Reno, NV 89501

Telephone: (775) 329-2727

Fax: (775) 324-5509

Free legal services in Washoe County, Nevada

<http://washoelegalservices.com/>

State of Nevada Bar

<http://www.nvbar.org/>

Save the Date(s)

Post-Holiday / New Year's Party

Thursday, January 26 after work.

This is a dinner event.

Family members are welcome.

**Details to follow about time,
place, and price.**

SNAP Annual Seminar

Friday, May 18 from 8:30 a.m. to 5 p.m.

Learn about your Nevada Supreme Court

5.5 CLE credits

More details to follow

Insurance

Medical Billing Fraud

a.k.a. »The Rockholt Report«

Volume 1

Issue 7

December 2011



Something Old, Something New

Thomas D. Freedland, D.C.

What's in a word? Sometimes nothing, and sometimes a great deal; and sometimes just a little, but that little can tell volumes. Something old or something new might sound like a bride's wedding planner, but in medical billing it can mean big bucks.

New or old (established) patients are defined in the AMA Current Procedural Terminology (CPT®) under "Evaluation and Management" services. The main parameters are similar in that there is a history, an examination, and a clinical decision making process. However, a new patient must have all three threshold components, but only two are needed for an established patient (someone seen by the doctor within the last three years).

The level of service must be supported by the documentation and by the condition being evaluated. A doctor might document a complex evaluation, but if the condition is minor, "Is the high level of service supported?"

The reason for the reduced criteria for an established patient would appear obvious; the doctor has the patient's recent history and record of treatment. If there is a new condition, the examination and the clinical decision process must match the condition, since relevant past history is already known.

In the case of injuries, where there might be litigation, the records may undergo critical review. It is imperative for the provider to document the necessarily of the billed procedure code. The history of the incident should establish the mechanism of the injury. This discussion may be straightforward or it could become quite complex.

The examination should address the related injuries. An examination for a major trauma patient would be considerably more involved than for an injury localized to one area. While the doctor may go into extensive detail of the evaluation of the shoulder, if there is no direct injury or complaint in this area, the exam has little purpose.

Health care providers should know the difference, since the reimbursement might be different, but more importantly it shows their knowledge and understanding of the coding process and thus can help build credibility.

Some providers are under the impression that a new condition warrants a new patient examination. While the new patient examination code pays more, the use of the wrong code is deceptive. It may be used to hide related past history. This may seem quite minor, but it makes the provider party to magnifying the condition by removing all reference prior conditions that could have an impact on the extent of injury or the speed of recovery.

On the face, the difference may be no more than a few dollars; however, multiply that by five patients, or a dozen, or one hundred and the amount is quite telling. If the use of the code hides a prior condition, such as lumbar fusion, that omission may amplify the cost by a factor three, four, ten, or more. A simple lumbar sprain/strain then becomes superimposed on a prior surgical back. But if that past condition becomes hidden behind the wrong code, it may result in prolonged treatment that is, in fact, for an unrelated condition. While it may be inadvertent or the result of naivety, it still smells funny. The provider suddenly moves from being a patient advocate to a person, intentionally or otherwise, who is perpetuating a fraud.

An error once or twice may truly be an accident, but a continuing pattern creates a concern about specific intent, a key element that might change an honest mistake into a crime. Too often in a review of medical records the billing information is ignored. Reviewing the bills can find other errors beyond this simply problem of coding of an examination. The billing records have a story of their own to tell, as reviewers we simply need to listen.

CPT® - Registered trademark of the American Medical Association

Coding New Patients And Established Patients

Tami Rockholt, RN, BSN

When is a patient new? As Dr. Freedland points out in the preceding paragraphs, this is an important question that may have a significant effect on reimbursement. An examination may be coded for a new patient when the patient has not been seen by the physician within the past three years, and has not been seen by another physician in the same clinic within the past three years who is of the same specialty and sub-specialty as the physician performing the current exam.

For example, if a patient's primary care physician is an internal medicine doctor and he or she comes in to the same clinic for an exam when their primary is on vacation, an exam carried out by another internal medicine doctor must be coded as "established patient". However, if the patient is examined by a physician of another specialty, like cardiology or pulmonology, then the exam may be coded as "new patient".

First Vice President's Report:

Melissa Paschal skipped her report so more time could be devoted to December's speaker. Melissa then introduced Dr. Larry Pinson, with the Nevada State Board of Pharmacy. Dr. Pinson started off by thanking Melissa as he was able to just walk in and everything was already set up and working, which he said isn't always the case when he speaks elsewhere.

He then briefly discussed his board's function in the State of Nevada, and then moved on to his very interesting and informative PowerPoint presentation regarding prescription drug abuse in Nevada, including the history of prescription drugs in the U.S. He discussed drug-seeking behaviors and how the board notifies doctors and pharmacies when a patient is "doctor shopping" (attempting to fill numerous prescriptions from different doctors at different pharmacies, sometimes to sell to others), which has apparently become rampant in Nevada and all over the U.S. Dr. Pinson was a dynamic speaker with a great sense of humor and everyone seemed to thoroughly enjoy his presentation. Dr. Pinson finished his presentation and then opened it up for Q&A. Several members had questions and he answered

them. Melissa thanked him for his time, members applauded and Dr. Pinson exited. If anyone would like a copy of Dr. Pinson's PowerPoint Presentation, or his handout on the Periodic Table of Intoxicants, please email Melissa at snapmelissa@att.net.

Susan Sunday stated that if any member needs a CLE credit form for today's meeting to please put their name and email address on a sheet that was circulating and the CLE forms would be emailed to members.

The meeting was adjourned at 1:00 p.m.

Melissa M. Paschal, CP
Acting Secretary

U.S. history test

1) Who shot President William McKinley in 1901?

Leon Czolgosz
James Earl Ray
John Hinckley, Jr.
Charles J. Guiteau

2) How many states joined the Union in the 20th century?

3) What national landmark opened in Washington D.C. in 1922?

The Pentagon
The Washington Monument
The Lincoln Memorial
The Jefferson Memorial

4) Which census declared that the U.S. population had reached 100 million?

1910, 1920, 1930 or 1940?

Answers: 1) Leon Czolgosz;
2) 3) The Lincoln Memorial;
4) 1920

Speaker Biography



Amy L. Parks, Esq., was appointed to serve as Acting Nevada Commissioner of Insurance upon the August 12, 2011, resignation of Nevada Insurance Commissioner Brett J. Barratt until Scott Kipper returned as Insurance Commissioner on October 24, 2011. Acting Commissioner Parks has served as Chief Insurance Counsel and Hearing Officer for the Nevada Division of Insurance since the spring of 2009, and Insurance Counsel and Hearing Officer for the Division since August 2004. As Chief Insurance Counsel, Parks functioned as the chief legal advisor to the Commissioner and the Division, and as direct supervisor of the Division's Legal-Enforcement Section. Throughout her tenure at the Division, Parks has served many times as the Commissioner's delegate during the Commissioner's business travels from the state, and as the Commissioner's delegate at meetings of the National Association of Insurance Commissioners.

Parks received a Bachelor of Science degree in Laboratory Medicine from the University of Nevada, Reno in 1980. In December 1995, Parks received her Juris Doctor degree from Northwestern School of Law at Lewis & Clark College in Portland, Oregon. Parks was admitted to the Oregon State Bar in 1996 and the State Bar of Nevada in 1997. While attending law school at Lewis & Clark College, Parks won Outstanding Oral Advocate in Appellate Moot Court competition, and received the American Jurisprudence Award in Insurance Law. Prior to joining state service as an attorney in 2004, Parks practiced as a private attorney primarily in the areas of mass tort, toxic exposure and medical malpractice litigation.

SNAP General Meeting Luncheon Tuesday, January 17 at Noon

SPEAKER: Amy L. Parks, Esq.

TOPIC: Acting Nevada Commissioner of Insurance

PLACE: ZoZo's Restaurant
3446 Lakeside Drive
775.829.9449

COST: \$18.00 – Members & Guests \$15.00 – Student Members

Name: _____

Office: _____

Phone/Email: _____

Member

Student

Guest

Menu - Chicken and Mushroom Ravioli

Zozo's Chicken has chicken breast, Italian sausage, mushrooms, roasted red peppers and a light marinara sauce

Please mail your reservation form and payment to:

SNAP, P.O. Box 2832, Reno, NV 89505-2832

**ALL RESERVATIONS WITH PAYMENT MUST BE RECEIVED
BY FRIDAY, January 13, 2011**

RSVP via

Email to Jessica Bradshaw: jessica@silverman-decaria.com