All Things Regulatory

I began working with ophthalmologists in 1980, shortly after I left the US government to join a private law firm. My first client was an ophthalmologist in Philadelphia who was trying to navigate the Medicare requirements related to the enrollment of a new physician in his practice. Shortly thereafter, he had an issue related to proper billing when coordinating care with another physician. He then had a reimbursement dispute with his local Medicare carrier. This pushed him over the edge, and he decided to retire. At the time, I sympathized with him for having to worry about the burden of complying with a broad range of complex federal requirements while trying to run a practice and provide care to patients. In retrospect, neither he nor I realized how good he had it.

During the 40 years that have elapsed since I began practicing law, the rules and regulations relating to physician practices have become progressively more complex and confusing. Physicians must spend an inordinate amount of practice time and resources fulfilling requirements imposed on them not only by the Medicare program but also by the multiple federal agencies that oversee various aspects of their practices. Additionally, each state has its own Medicaid program with its own rules, to say nothing of the multiple state agencies with jurisdiction over physician practices.

As reflected in the many presentations my colleagues and I have given over the years about government investigations, enforcement of these complicated rules has become more aggressive and the penalties more severe—it's enough to make a physician want to hang it up. Perhaps my client of 40 years ago was ahead of his time.

When I was offered the chance to serve as Guest Editor of a special *CRST* series on regulatory affairs, I readily agreed. After all, this has been my focus for the past 4 decades. As I considered the project, however, I realized it would be impossible to present all of the regulatory issues that affect ophthalmology practices or to address even one of these many issues in a comprehensive manner. So, after consulting my former colleagues who graciously agreed to contribute to this project, we identified seven topics that we believe, based on our experience working with many practices over the years, are of particular interest to ophthalmologists.

Our goals are simple: to present you with an overview of some of the regulatory issues that are most likely to affect your practice and to share guidance on how to avoid potential compliance risk. If reading the information contained in this series even slightly relieves the burden on you and your practice, we have succeeded. ■

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