

More Than A Quarter Century of Accomplishment 1995 – 2022

PAOrtho Administrative, Legislative and Judicial Wins Since 1995

Legislative and Administrative Issues

Medical Liability Insurance

Mcare Abatement Program – PAOrtho conceived of the concept and advocated for the Mcare Abatement Program’s enactment. This program resulted in 100% of Mcare coverage premium being directly returned to orthopaedic surgeons from 2003 to 2008.

Mcare Coverage Limits – PAOrtho has preserved the Mcare coverage limits every year since 2003, thus avoiding medical liability premium spikes.

Venue Reform – PAOrtho conceived of the concept and advocated for legislation that established medical liability venue in county of the alleged malpractice in 2003, thus preventing liability case transfer to plaintiff friendly jurisdictions such as Philadelphia.

Venue Reform – PAOrtho decisively acted to preserve state Supreme Court venue reform rules in the legislature and in the courts. (2018 – 2021)

Workers’ Compensation

WC Fee Schedule – PAOrtho successfully advocated for legislation to establish the WC Fee Schedule in statute. As a result, the WC Fee Schedule been orthopaedic surgeons’ highest insurance payer. (1994)

WC Fee Schedule – PAOrtho has successfully preserved WC Fee Schedule as highest payer every year since 1995.

Healthcare Insurance

Retroactive Denial – after a decade long struggle with the healthcare insurance industry, in 2016 PAOrtho successfully led a provider coalition to limited insurers’ retroactive denials to 24 months.

Prior Authorization and Step Therapy Reform – for six years, PAOrtho led a patient advocacy group/physician organization coalition that successfully enacted Prior Authorization and Step Therapy Reform in 2022.

Opioid Addiction Crisis

Statewide Prescribing Guidelines for Sports Medicine and Orthopaedics – PAOrtho led the Department of Health’s taskforce to draft guidelines orthopaedic and sports medicine prescribing guidelines. (2017)

Prescription Drug Monitoring Program (PDMP) – PAOrtho worked with the Department of Health staff to implement improvements to the PDMP system. (2017 – 2018)

Surgical Exception to Seven Day Prescribing Limit – PAOrtho advocated for and achieved a surgical exception to the mandatory seven-day opioid prescribing limit statute. (2019)

Narcotic e-prescribing – PAOrtho advocated for and achieved a statute requiring narcotic e-prescribing to ensure paper prescriptions are no longer stolen, forged or altered thereby preventing legal medication diversion by means of paper prescriptions. (2018)

Practice Issues

Covid-19 Pandemic Practice Restrictions – PAOrtho advocacy efforts successfully led to a federal waiver and the reopening of physician-owned hospitals and Ambulatory Surgical Centers (ASC). (2020)

ASC Expanded Procedures – In coalition with the ambulatory surgical association, PAOrtho successfully enacted legislation to expand ASC procedures and to limit the PA Health Department’s authority to unduly restrict new procedures. (2022)

ASC tax – In coalition with others, PAOrtho defeated proposed taxes on Ambulatory Surgical Centers. The tax was first proposed in 2009 (5.5%) and again in 2017, 2018, and 2019.

Visiting Team Medical Staff licensure – Acts 73 and 74 of 2015 authorize out of state physicians to care for team members while in Pennsylvania for sanctioned games or tournaments.

Litigation Issues

PAOrtho aggressively pursued a litigation strategy to vindicate Society members’ rights and to defend their practices. In each case below, PAOrtho filed an amicus brief (friend of the court) and thus far has achieved victory in three of the four cases.

Mitchell v. Shikora (2019) – In a 5 – 2 decision, the State Supreme Court reversed the State Superior Court and affirmed that risks and complications evidence can be presented by the defense and is not too prejudicial for the jury to hear. A major PAOrtho victory.

Leadbitter v. St. Clair Hospital (2021) – The State Supreme Court reversed the State Superior Court ruling that plaintiffs may review and use hospital credentialing reviews as evidence against the defendant orthopaedic surgeon and hospital. A second major PAOrtho victory.

Dockery v. Thomas Jefferson University (2020) – State Superior Court affirmed the statutory and court-enacted anti-venue shopping rules providing that medical liability venue lies in the county of the alleged injury. Motion to reargue is currently before the Superior Court. A third major PAOrtho victory, but the reargument motion needs to be resolved.

Kirksey v. Children’s Hospital of Pittsburgh of UPMC (2020) – State Supreme Court amicus brief arguing the successful ruling on risks and complications evidence affirmed in PAOrtho’s *Mitchell v. Shikora* amicus brief should be upheld. Decision is pending.

State Grants

PAOrtho successfully obtained opioid education legislative grants totaling \$450,000.00. (2019 – 2020)

The Society also obtained a series of legislative grants in the mid to late 2000s.

PAOrtho was awarded \$1.050 million in legislative grants in the 2022 – 2023 state budget.

Federal Grants

In 2020, PAOrtho was awarded an approximately \$1 million grant from the Appalachian Regional Commission for physician opioid education.

2022 – 2023 Legislative Initiatives

Medical Liability Reform

PAOrtho leads the House of Medicine in drafting and advocating for a multi-bill package aimed at stopping the rapid increasing practice by trial lawyers of “venue shopping” in which medical liability lawsuits are moved from the county of the alleged injury to a high jury award county.

Healthcare Insurance

PAOrtho has drafted legislation that will require integrated healthcare systems to allow insureds to seek care at physician-owned facilities if the physician owners are in-network.