



Broca's Area

The Voice of Texas Neurology

Spring 1996

Words from the President

Ernesto Infante, MD

As a sign of an ever increasing interest in our society, we had a very well attended board of directors and committee chairs meeting in Austin on February 24, 1996. Dr. Phillip J. Leonard presented plans for the program for the annual meeting of the Texas Neurological Society to be held this year in San Antonio on May 10 and 11, 1996. Once again the program is excellent. On Friday, May 10, the morning program will be devoted to epilepsy and the afternoon to socio-economic topics. On Saturday morning, May 11, , Dr. Andrew G. Herzog will be presenting the interesting topic of neuroendocrinology of epilepsy and migraine. Dr. Weinberg, from Dallas, will discuss new concept in the treatment of attention deficit disorders and disorders of vigilance. The remainder of the morning and afternoon will be dedicated to reviewing treatment in cerebrovascular disease. This will include Dr. James C. Grotta's presentation of thrombolysis for acute ischemic stroke.

The annual business meeting and luncheon of the Texas Neurological Society will be held at the Plaza San Antonio Hotel at

noon on Saturday. At this luncheon the former presidents of the society will be presented and honored. On Saturday evening the annual TNS social will include a barbecue dinner, entertainment and dance at Leon Springs Dance Hall. Transportation will be provided. Dr. James E. Garrison from San Antonio is in charge of these local arrangements.

Dr. Richard Homan , Lubbock, has done an outstanding job of organizing the Young Investigator's Award. Five papers have been submitted this year for the competition. Consensus is that we need to continue to encourage this activity as well as to increase the participation of neurology residents in the TNS. It was decided to individually invite neurology residents to attend the meeting in San Antonio.

The nominating committee selected once again this year an excellent roster of candidates for officers for the coming year. Dr. James E. Garrison, III, of San Antonio has been nominated as president for 1996-97.

During the last year I have continued, as representative of the Texas Neurological

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Words from the President

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Society, the efforts to fight the proposal that physical therapists be allowed to perform needle EMG. I attended meetings of the Texas Board of Medical Examiners held in Austin on December 8 and January 26. At those meeting I presented the TNS position that needle electromyography constitutes the practice of medicine and therefore should only be performed by physicians trained in this procedure. We have received support of our position from physician members of the Society of Physical Medicine and Rehabilitation as well as from the American Board of Electrodiagnostic Medicine. Members of both of those societies were present at the meetings held with the Texas Board of Medical Examiners.



We hope that our voices will be heard and in the interest of the patient of Texas, only competent physicians will be allowed to do electromyography. We still need, however, active and vocal support from members of the Texas Neurological Society. The public hearing on this issue will be held sometime within the next three months and we need to have many members of our society present at that meeting. As soon as the date of this hearing is made public, we will notify every member of the society. I ask each and every one of you to support the TNS in this endeavor through your attendance at the meeting and certainly through your correspondence to the Board of Medical Examiners.

Once again, it has been an honor to serve as president of the Texas Neurological Society during the last year. I believe a lot has been accomplished. The future looks even brighter. Please plan to attend the meeting in San Antonio. I am looking forward to seeing all of you there.

News of Members

The Texas Neurological Society presently has 262 members. All Texas neurologists are encouraged to join the Society in order to strengthen Texas Neurology and to have a strong organization representing Texas neurologists to work for the improvement of health care as it relates to neurology in our state.

A breakdown of membership was presented to the Executive Committee in February.

<i>Active Members</i>	178
<i>Charter Active</i>	39
<i>Residents</i>	25
<i>Life Members</i>	4
<i>Active Out of State</i>	4
<i>Charter Life</i>	8
<i>Charter Honorary</i>	2
<i>Associate Members</i>	2

To learn more about membership in the TNS call the TNS office at 800-880-1300, ext. 1532 or 512-370-1532.

Congratulations to TNS Life Members

The following members were granted Life Memberships in the Texas Neurological Society at the Executive Committee meeting in February.

Inge Kuenast, MD, Austin
 Morris H. Hampert, MD, San Antonio
 John S. Meyer, MD, Houston
 Donald Rathbun, MD, El Paso
 William J. Riley, MD, Houston
 Jorge Weibel, MD, Houston

Applications for membership for the following physicians are being processed.

Thomas J. Brown, MD, Harlingen
 Marci A. Roy, MD, Galveston
 Waleed El-Feky, MD, Irving
 Kurt Jaeckle, MD, Houston
 Gregg Shalan, MD, Dallas

EDITORIAL COMMENT

J. Thomas Hutton, M.D.

TDI Develops Patient Protection Rules

At the demise of The Patient Protection Plan by the Governor's veto last spring, Governor George Bush Jr. requested the Texas Insurance Commissioner Elton Bomer to develop patient protection rules. On November 15, 1995 Commissioner Bomer issued these rules which took effect January 1, 1996. These rules are designed to remove the rough edges of managed care while preserving its potential for cost containment. The impact that managed care has for the practice of Neurology is so great as to warrant listing these rules in the space normally reserved for your Editor's comments.

- **Disclosure benefits to prospective insureds.** Managed care plans must provide to prospective insureds upon request understandable and readable information concerning benefits, providers, limitations, prior authorizations, emergency services and other information specified in the rule in the order prescribed by the Department. Requiring provision "upon request" to all potential enrollees should help address the controversy over the costs to insurers of mailing such materials to all prospective insureds.

- **Prohibit retaliation against insureds and physicians or providers reasonably complaining on behalf of their patients.** Managed care plans may not take retaliatory actions, such as denial of services or cancellation, against an enrollee or group contract holder (employer) because the enrollee or group contract holder has complained or against a physician or provider who has reasonably complained on behalf of the patient.

- **Ensure continuity of treatment.** Managed care plans must establish reasonable procedures to ensure that a patient's health is not endangered by having to change doctors or other providers immediately when a provider is terminated from the network. Managed care plans will be required to make available to the insured a current list of providers and, upon the request of the treating physician, allow patients with special circumstances in which it would be medically inappropriate to require an insured to change providers, to continue receiving

treatment from the terminated provider at the contract price for at least 90 days if medically prudent.

- **Restrict use of financial incentives adversely affecting care.** Managed care plans may not offer financial incentives to its providers which act as an inducement to limit the provision of medically necessary services.

- **Prohibit unfair and unreasonable denial of reimbursement for emergency care.** Managed care plans may not deny reimbursement for a medical screening examination necessary to determine if emergency care is needed and for medically necessary emergency care. Plans must also contain a provision for services following emergency treatment or stabilization. HMO plans must respond to inquires of a treating provider by approving or denying post-stabilization treatment within the time appropriate to the circumstances, but in no case to exceed 1 hour.

- **Require submission of data to Department concerning quality, costs, and access to health care.** Managed care plans must file or provide upon request to the Department certain information including: Identification of providers, their specialties and locations; financial arrangements with providers; and utilization review plans. This information will allow the Department to assess quality of care, access to care, cost of care, availability and affordability of health coverage and to prepare a public report on the performance of the various managed care plans.

- **Enrollee right to select (network) provider.** Applications for enrollment in HMOs must offer the enrollee the opportunity to select a network provider as his/her primary care provider. If the enrollee does not make a selection, the plan may assign a primary care provider in a zip code as near as possible to the enrollee. HMO must begin making capitation payment to a primary care provider calculated from the date of the individual's enrollment. HMOs may submit alternative plans to TDI for approval as long as the plans provide for immediate availability and accessibility of a primary care provider and provide adequate compensation to the provider, calculated from the date of enrollment, to compensate for the risk assumed. (PPOs ordinarily do not involve selection of a primary care provider; (Continued page 4)

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insured may select any provider but will be reimbursed at a higher rate for selecting a network provider.

Fairness to Providers

•Fairness to providers also protects patients because a strong, stable provider network offers the best care to enrollees.

•**Make application information available to interested providers.** Managed care plans must make information concerning the application process available to providers.

•**Offer written reasons for denial or termination of providers.** Providers must be given written reasons for being turned down or terminated. Rules do not prohibit plans from denying admission because the plan has sufficient qualified providers.

•**Advisory review panels.** Plans must offer an advisory review panel to review, upon request, a decision to terminate a physician or dentist. Plans may use existing review committees but one member of the advisory review panel must be a physician or dentist in the same or similar specialty as the physician or dentist, if available. A PPO must also offer the review to physician applicants.

•**Capitation.** HMO applications must offer enrollees the opportunity to select a primary care provider. If the enrollee does not make a selection, the plan may assign a primary care provider in a zip code as near as possible to the enrollee and on a rotational basis to ensure an even and fair distribution of enrollees. If an HMO compensates its providers on a capitated basis the HMO must begin making payments to the provider within 90 days of selection or assignment, calculated from the date of the individual's enrollment. HMOs may submit alternative plans to the TDI for approval as long as the plans provide for the immediate availability and accessibility of a primary care provider and provide adequate compensation to the provider, calculated from the date of enrollment to compensate the provider for the risk assumed.

Time will tell if these rules provide sufficient safeguards to patients and providers. Should members of the Texas Neurological Society encounter difficulties in these matters, then please contact the Editor's mailbox of Broca's Area, the T.M.A., or your local representative or state senator.

TNS Officers Nominated for 1996-97 Term

The executive committee of the Texas Neurological Society has approved the following slate of officers for nomination for the 1996-1997 term of office. Officers will be voted upon at the Annual TNS business luncheon meeting to be held at noon on Saturday, May 11, 1996 in San Antonio.

President

Ed Garrison, MD

President Elect

Gage Van Horn, MD

Vice President

Richard Homan, MD

Secretary-Treasurer

Robert F. Leroy, MD

Member at Large

(2 year Term)

Blake O'Lavin, MD

Immediate Past President

Ernesto Infante

TMS Section Chairman

Philip Leonard, MD

TMS Section Secretary

Martin Heitzman, MD

TMA Section Local Arrangements

Robert W. Fayle, MD

Gage Van Horn, MD

Ernesto Infante, MD

Physical Therapists Granted Limited Needle EMG Privileges

Physical therapists are permitted to do needle EMG examination under delegated authority from physicians according to a recent decision of the Texas Board of Medical Examiners. This is a political compromise between the physical therapists who wanted complete practice opportunities in EMG and neurologists and rehabilitation physicians who held that EMG constitutes the practice of medicine.

The argument that swayed the board to this compromise position related to unavailability of EMG in many rural areas. The physical therapists argued that this underserved population needed services. Dr. Ernesto Infante, President of the Texas Neurological Society argued that EMG requires expertise beyond that available to physical therapists.

Concern arises that supervision of the physical therapists will be done by orthopedists. If an operation is performed by the orthopedist based on the EMG performed by the physical therapist, then professional liability exists for the orthopedist. At present it does not appear that the delegating physician need have any expertise in EMG. The Texas Neurological Society and its members need to maintain vigilance to assure that patients obtain quality EMG services and that EMG does not become trivialized by unsophisticated and untrained practitioners.

The final rule has not yet been passed. It will be voted on in mid-May. Comments on the rule may be made to Tim Weitz, JD, General Counsel for the Texas State Board of Medical Examiners at P.O. Box 2018, Austin, TX 78768-2018 through the month of April.

Brain Awareness Week
May 12-18

Broca's Area

*A periodic newsletter of the
Texas Neurological Society*

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general are welcome at the following address:*

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**Texas Neurological Society
1996 Program**

**Friday, May 10
9 a.m. - 5 p.m.
Henry B. Gonzalez
Convention Center
Centro B**

***Morning Session
Epilepsy Update***

9:00 a.m.
*Update on New Drugs in the Treatment
of Epilepsy*
Speaker Pending

9:45 a.m.
*Cellular Pharmacodynamics and
Pharmacologic Basis of Antiepileptic
Drug Actions*
L. James Willmore, MD, Houston

10:30 a.m.
*The Toxicity of New Antiepileptic
Drugs As They Relate to Different
Seizure Types*
Robert F. Leroy, MD, Dallas

11:15 a.m.
New Anticonvulsants
Richard W. Homan, MD, Lubbock

Noon
Executive Committee Meeting



***Afternoon Session
Socioeconomic Issues***

2:00 p.m.
*Presentation of Winning Papers for
Young Investigator's Award*

2:30 p.m.
Introduction to the Internet
Miriam Blum,
CME Resource Librarian
Texas Medical Association

3:00 pm.
Legislative Update
Kimble D. Ross, Director
Division of Public Affairs
Texas Medical Association

4:00 p.m.
Medicare/Medicaid Update
David Marcus, PhD
Director, Health Care Financing
Texas Medical Association

4:30 p.m.
*Effects of Managed Care on
Malpractice*
Rocky Wilcox, JD
General Counsel
Texas Medical Association

Saturday, May 11, 1996

9:00 a.m. - 5:00 p.m.

Henry B. Gonzalez
Convention Center
Centro B

Morning Session

9:00 a.m.

The Neuroendocrinology of Epilepsy
Andrew G. Herzog, MD, Boston

9:45 a.m.

*New concepts in the Treatment of
Attention Deficit Disorders
and Disorders of Vigilance*
Warren A. Weinberg, MD, Dallas

10:30 a.m.

The Neuroendocrinology of Migraine
Andrew G. Herzog, MD, Boston, Mass

11:15 a.m.

Advances in Endovascular Therapy
John Gurian, MD, Houston

Noon - 2:00 p.m.

*Texas Neurological Society
Annual Luncheon/Business Meeting*
All TNS Members are Invited
Victoria's Indiscretion
Plaza San Antonio Hotel

Afternoon Session
***In Conjunction with
the TMA Committee on
Cardiovascular Diseases***

Mission Room

1:15 p.m.

*Stroke Prevention in the 90's -
A Comprehensive Overview*
Robert G. Hart, MD, San Antonio

2:15 p.m.

*Initiation and Management of
Anticoagulation*
Diane H. Solomon, MD, San Antonio

3:15 p.m.

Break

3:30 p.m.

Risk Factors for Stroke
Walter F. Buell, MD, San Antonio

4:15

*Thrombolysis for Acute
Ischemic Stroke*
James C. Grotta, MD, Houston

Saturday Evening
TNS Members Dinner
Barbecue and Entertainment
Leon Springs Dance Hall

The Annual Meeting of the Texas Neurological Society will be held in San Antonio in conjunction with the Texas Medical Association Annual Session on May 10 and 11, 1996. Philip Leonard, M.D., Scientific Program Secretary for the Texas Neurological Society has planned a two day program which includes a half-day session on the treatment of epilepsy and a half-day on socioeconomic issues on Friday. Saturday's program will include an afternoon session in conjunction with the TMA's Cardiovascular Disease Com-

mittee on Stroke Prevention in the 90s. The program will take place at the Henry B. Gonzalez Convention Center in room Centro B and Mission Room.

All TNS members are encouraged to attend the Membership Luncheon on Satur-

day, May 11, at the Plaza San Antonio Hotel. Each year the TNS has hosted a dinner for members and their guests following the scientific sessions. This is an excellent opportunity to have the chance to get to know your colleagues from across the state. This year the

TNS Social will take place on Saturday night at the Leon Springs Dance Hall.

A detailed schedule of the program is found on pages 4-5 of this edition of *Broca's Area*. Brochures will be mailed to all members soon. So watch your mail for this detailed infor-

mation about the program and registration. For more information about the scientific program, the annual business luncheon or the Saturday evening social, call Lisa Jackson at the Texas Neurological Society office at 800-880-1300, ext. 1532 or 512-370-1532.

Plan to Attend!
Texas Neurological Society
Annual Meeting
 May 10 - 11, 1996
 San Antonio
 Scientific Program
 Friday & Saturday
 TNS Members' Dinner Saturday Night

Texas Neurological Society
 401 West 15th Street
 Austin, Texas 78701-1680

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