

Shift to Virtual Format for COPIC Programs



To adjust to current conditions, COPIC has moved several of our key programs that would normally occur in person to now be available in a virtual format. We recognize the need to continue to support our insureds, and to do so in a way that provides remote access to valuable information that helps navigate the current challenges in health care.



ON-SITE REVIEWS

Our **Practice Quality Reviews** and **Facility Assessments** will now be offered in a virtual format for the remainder of 2020. These programs will still be overseen by experienced nurses who work with insured practices/facilities to identify common risks and review best practices that support quality patient care. If you have any questions, please contact Mary Eichler at meichler@copic.com.



EDUCATIONAL SEMINARS

Many of COPIC's in-person seminars are now available remotely via Zoom presentations. Visit www.callcopic.com/professional-education to download our COPIC Education Catalog that lists all seminars. If you are interested in scheduling one, contact Carmenlita Byrd at cbyrd@copic.com or (720) 858-6131. In addition, we continue to have a wide selection of on-demand courses available at www.callcopic.com/education.



PRACTICE ADMINISTRATOR MEETINGS

COPIC hosts these meetings several times a year to address topics of interest to insured practice administrators and provide them access to our team of experts. The next meeting will focus on human resources issues and is scheduled for November 11, noon-1pm (MST). Please contact Andrea Jones at ajones@copic.com to RSVP for this meeting and receive details about how to connect remotely.

COVID-19 RESOURCES ON CALLCOPIC.COM

COPIC continues to update COVID-19 resources on our website. These include details about your COPIC policy, risk management/clinical guidelines on resuming elective procedures and reopening your practice, telehealth, disclosures when caregivers test positive for COVID-19, and state summaries that highlight regulatory updates and executive orders. You can access this information at www.callcopic.com/covid-19-information-and-resources

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COPIC MEDICAL FOUNDATION

REQUEST FOR GRANT FUNDING PROPOSALS

Accepting requests starting in November 2020

The COPIC Medical Foundation will kick off its new strategic responsive grantmaking approach in November 2020 when we post a Request for Proposals (RFP). The RFP for the 2021 grant cycle will be due January 15, 2021.

To be considered for funding, organizations must meet the following minimum criteria:

1. Approach or program has demonstrated potential for uptake and/or replication in the health care community.
2. Approach or program serves communities in Colorado, Nebraska, Iowa, Utah, North Dakota, South Dakota, and/or Minnesota.
3. Organization is designated as a 501(c)(3) organization or has an identified fiduciary.

Please visit the website in November for more information:
www.callcopic.com/about-copic/copic-medical-foundation

2020 Cancellation Notice:

PATIENT SAFETY & RISK MANAGEMENT FORUM



Due to precautions with COVID-19 and the uncertainty it has created, COPIC has made the decision to cancel our 2020 Forum, which was scheduled to take place on October 7-9. We recognize the value of this event and regret not being able to host it. COPIC plans to bring the Forum back in 2021 and we will release more information once we have the details ready.

Facility Virtual Forum

We will offer a shortened virtual Forum opportunity during the mornings of October 8th and October 9th, 2020. We invite representatives from insured facilities to "save these dates" for the virtual conference. More details about this and information regarding facility COPIC points for attending will be communicated soon.

If you have any questions, please contact Charesse Hansen at (720) 858-6127 or chansen@copic.com.

NEW AND IMPROVED ONLINE PAYMENT OPTIONS



In an effort to simplify services and support a shift to offer more paperless options, COPIC is pleased to announce that we have launched a new billing/payment service for policyholders. This service integrates the Invoice Cloud platform, a known industry leader that uses the highest standards in online security.

This upgrade will offer customers greater flexibility in managing their accounts with the following features:



View and pay your invoice online



Set It and Forget It: set up automatic payments so you never miss a payment



Schedule payments for a future date



Go paperless and receive bills via email



Get email reminders or set up text notifications



Pay by phone 24/7 by calling (720) 858-6211

See the enclosed insert for more details.

Questions? Call (800) 421-1834, ext. 6211 during regular business hours.

EXTENSION OF COVID-19 PHYSICIAN PROGRAM COVERAGE

COPIC has extended our COVID-19 Physician Program through December 31, 2020.

The program provides temporary liability coverage for physicians who do not have other available insurance coverage, who are not currently a covered physician under a COPIC policy, and who will be providing professional services to a COPIC-insured practice or facility to assist with addressing COVID-19. Contact our Policyholder Maintenance Line at (720) 858-6176 for more details.

HR SUPPORT FOR COVID-19 ISSUES

Besides dealing with patient care issues surrounding COVID-19, medical practices and facilities may find themselves having to manage unforeseen staffing and employee issues. COPIC's **HR Services** is another benefit of coverage that connects insureds with a human resources expert to help address these issues. Examples of situations where we have provided assistance include:

- Understanding federal laws, such as Families First Coronavirus Response Act (FFCRA) and The CARES (Coronavirus Aid, Relief & Economic Security) Act Payroll Protection Program
- Considering staffing from a short-term and long-term perspective and looking at various options such as reduced hours, furloughs, and state workshare programs
- Approaching discussions with employees to seek collaborative solutions, support retention efforts, and boost morale

To access these services, simply call our **HR Helpline** at (720) 858-6057 during business hours (8am-5pm, MST), Monday through Friday.



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Did you miss a previous edition of COPIC newsletters? Don't worry. A full archive of past newsletters can be accessed on callcopic.com.

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720/858-6000 or 800/421-1834

Fax
877/263-6665

24/7 Risk Mgmt. Hotline
(for urgent, after hours inquiries)
866/274-7511

To Make an Incident Report
720/858-6395

Legal Helpline
720/858-6030

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720/858-6157

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720/858-6396
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COPIC Financial Service Group, Ltd.

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Fax
720/858-6005

Website
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THE LEGISLATIVE LANDSCAPE

RECAP OF THE 2020 LEGISLATIVE SESSION

The last day of the Colorado General Assembly legislative session was June 15, 2020. Going into the 2020 session, it was expected that Governor Polis would push heavily for his priorities, including the big two—the Public Health Care Option and Paid Family Leave. All of that changed as COVID-19 put everyone’s priorities on hold and forced legislative leadership to restructure their agenda around simply acting on the constitutionally required measures such as the state budget and school finance. It was a very tough road for the Joint Budget Committee as they faced down a \$3.3 billion reduction in state revenues due to the pandemic, forcing heavy spending cuts across the board. A total of 651 bills were introduced this session with a vast majority of those bills being tabled for COVID-19 related priorities.

STATE BUDGET

This May, the Joint Budget Committee (JBC) made their final decisions to reduce expenditures and close the gap to balance the 2020/2021 State Budget. The JBC and the Legislature waded through the process which resulted in cuts to departments across the board. Several notable budget reductions impacting health care are below:

- ➔ Reverse previously approved 1.9% provider rate increase.
- ➔ A 6% rate reduction for hospitals for the Hospital Provider Fee in addition to an across-the-board rate cut.
- ➔ A 1% rate reduction for Medicaid providers.
- ➔ A 20% reduction in special service funding, including UC Health family residency programs, Denver Health teaching supplemental, and Pediatric Specialty Hospital line item.

PASSED LEGISLATION

Senate Bill 102 (Senator Ginal and Representative Caraveo) is a bill that requires practitioners to disclose to a patient or prospective patient any prior criminal conviction for a “sex offense.” The bill also requires the practitioner to disclose any final disciplinary action for any finding of “sexual misconduct”.

Senate Bill 163 (Senator Gonzales and Representative Mullica) was the anticipated immunization legislation aimed at increasing the statewide immunization rate to 95%, a standard required for school entry by 2023. The bill consolidates the current religious and personal belief exemptions for immunizations into one non-medical category and requires either a certificate of completion of an online education module or the use of a standardized state-issued form to claim the non-medical exemption signed by either an immunizing provider or a local public health agency. Immunizing providers would not be required to sign an exemption form.

Senate Bill 212 (Senator Winter and Representative Lontine) prohibits a health insurance carrier from imposing limitations on telehealth technologies that require an established provider-patient relationship to receive medically necessary services from the provider, or that impose additional certification or training requirements as a condition of reimbursement for telehealth services. For home care agencies, it allows for supervision in person or by telemedicine/telehealth. For Medicaid, it requires the Colorado Department of Health Care Policy and Financing (HCPF) to reimburse rural health clinics, the federal Indian health service, and federally qualified health centers for telemedicine services at the same rate it reimburses those services in person. These “health care or mental health care services” include physical therapy, occupational therapy, hospice care, home health care, and pediatric behavioral health care.

CONTINUED ON PAGE 2

The bill does not remove a safeguard currently in that statute allowing both provider and patient discretion in using telehealth versus an in-person visit:

Nothing in this section requires the use of telehealth when a provider determines that delivery of care through telehealth is not appropriate or when a covered person chooses not to receive care through telehealth. A provider is not obligated to document or demonstrate that a barrier to in-person care exists to trigger coverage under a health benefit plan for services provided through telehealth.
(C.R.S. § 10-16-123(2)(a))

Senate Bill 217 (Senator Garcia and Representative Herod) is the sweeping police reform bill. The bill requires all local law enforcement agencies and the Colorado state patrol to issue body-worn cameras to their officers and requires all recordings of an incident be released to the public within 21 days of the incident. The bill also requires annual data statistics reporting, creates a new use-of-force standard, and requires a peace officer to intervene when another officer is using unlawful physical force, among other changes. COPIC worked, along with the Colorado Hospital Association, to ensure patient privacy and HIPAA requirements are upheld when law enforcement interacts with emergency departments within facilities.

House Bill 1041 (Representative Cutter and Senator Fields) was a bill modifying the language regarding the financial responsibility for physician assistants (PAs). **Please see the “HB 1041 Update” article below for more details on this.**

House Bill 1330 (Representatives Lontine and McKean and Senators Gardner and Lee) carves out certain University of Colorado Hospital Authority (UCHA) employees and facilities from the Colorado Governmental Immunity Act (CGIA). The carve out from governmental immunity will apply to health care practitioners (physicians, dentists, and clinical psychologists) and health care professionals as defined under the Health Care Availability Act (HCAA) as “any person licensed to practice medicine, nursing or other healing arts,” unless they are providing services on the Anschutz Medical Campus or at facilities operating under the University Hospital license including off-campus locations. The CGIA carve out doesn’t apply to the CU School of Medicine employed providers, practitioners in training, clinical faculty as to any injury caused by a practitioner-in-training under that health care practitioner’s supervision, or volunteers. Of importance to COPIC, those UCHA providers and facilities that are now carved out of CGIA will now fall within the HCAA.

Although this is the final update covering the 2020 legislative session, we expect a number of these conversations to continue over the course of the summer and fall months leading up to 2021. COPIC will update you as we continue to work with our health care partners on issues that impact safe, quality care. For information on legislation, visit us at www.callcopic.com and go to the Legislative Action Center under the Resource Center section located in the top navigation of the website.

If you have any questions, please contact COPIC’s Senior Vice President of Public Affairs, Beverly Razon, at (720) 858-6056 or brazon@copic.com.

HB 1041 UPDATE: SHARED LIMITS OF LIABILITY FOR PHYSICIAN ASSISTANTS

During the 2019 Colorado legislative session, HB19-1095 was passed and became effective August 2, 2019. It included a provision for any physician assistant (PA) with more than three years of experience to maintain professional liability limits in the amount of \$1 million per incident and \$3 million in the aggregate.

The financial responsibility requirement was placed in the Medical Practice Act, which did not provide for any exemptions to the separate (individual) limits of liability requirement.

Since that time, COPIC has been working with stakeholders to draw attention to the increase of premiums and the financial challenges some practices would face should separate limits be required rather than allowing

PAs to continue coverage under policies where they share in liability limits with their employers. These shared limits policies have been standard in the health care industry and have historically met the needs of professional liability coverage for PAs.

COPIC assisted the Colorado Academy of Physician Assistants in drafting HB 20-1041, which was successfully signed into law March 20, 2020. The law moved the PA financial

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HB 1041 UPDATE (FROM PAGE 2)

responsibility requirements to the Health Care Availability Act (HCAA), which also includes the financial responsibility requirements for physicians. With the passage of the bill, the HCAA authorizes the Colorado Medical Board (CMB) to exempt PAs from the individual financial responsibility requirements to the same extent as for physicians. This includes through rulemaking to implement the exemptions listed in the HCAA or for reasons other than those listed in the HCAA that render the required \$1 million/\$3 million limits “unreasonable or unattainable.”

The CMB held a rulemaking hearing in May that revised Rule 220 to include PAs in the categories of licensees who are exempt from the minimum financial responsibility requirements. One of the exemptions

includes a PA who is covered by individual professional liability coverage maintained by an employer/contracting agency in the required minimum indemnity amount of \$1 million per incident and \$3 million annual aggregate. The CMB has previously acknowledged that certain classes of physicians, including those hospital-employed or contracted physicians who are listed as additional insureds with statutory policy limits on a shared limits policy with a hospital, are excepted from the individual financial responsibility standards. The question was raised at the recent rulemaking hearing about similar shared limits policies for PAs, given the changes with HB 20-1041. The response from the CMB and its legal counsel was that what applied for physicians would now apply for

PAs. The CMB would not weigh in on how a licensee meets financial responsibility requirements.

We wanted to ensure that our practices are aware of the changes created by HB 19-1095 and subsequently by HB 20-1041. COPIC offers separate limits of liability for PAs—these are available for an additional premium charge, which includes the option for extended reporting period (tail) coverage upon cancellation. COPIC may agree to retroactively provide separate limits of liability for your PAs with more than three years of experience from 8/2/2019-3/19/2020 for an additional premium charge. Should you desire to secure separate limits of liability during this time, or at any time, please contact your agent or underwriter for details.

COPIC RESOURCES: SAMPLE POLICIES AND TEMPLATES TO IMPLEMENT PROFESSIONAL REVIEW AT YOUR PRACTICE



COPIC worked with partners in the health care community to maintain the legal protections of peer review when the Colorado Professional Review Act (CPRA) was renewed in 2019. Under Colorado law, physician practices that follow a formal professional review process have the same legal protections as peer review activities at a hospital or other health care facility.

Professional review activities that are privileged and confidential under CPRA include evaluating the competence, professional conduct of, or the quality and appropriateness of patient care provided by a physician, physician assistant (PA), or advanced practice registered nurse (APRN) employed by or under contract with the practice to provide health care services.

COPIC has developed templates to assist practices in establishing a formal professional review process through appropriate policies and procedures. These templates are consistent with the requirements for professional review under state and federal law but should be reviewed by an attorney who can add information specific to the practice. The templates are also in a Word document format that allows them to be easily integrated and customized for your medical practice.

The following resources are available at www.callcopic.com/resource-center/guidelines-tools/practice-management-resources:

- ➔ An overview about the benefits of establishing a formal professional review process for physician practices.
- ➔ **Professional Review Checklist** that includes the steps a practice should consider when establishing a formal professional review process.
- ➔ A **confidentiality agreement** that should be signed by all professional review participants and be maintained on file.
- ➔ Templates of professional review policies and procedures for COPIC-insured practices to use:
 - ✓ **Professional Review Policy** and **Fair Hearing/Corrective Action Policy**
 - ✓ **Practitioner Behavior Policy**
 - ✓ **Practitioner Health Policy**

DR. GAYLE FRAZZETTA RECOGNIZED WITH COPIC HUMANITARIAN AWARD

Dr. Gayle Frazzetta has been described as a “crusader for physical education, sports, and health awareness.” For over 20 years, she has been an active participant in the Montrose community.

A graduate of the Colorado University Family Practice Residency at Rose Hospital, Dr. Frazzetta has helped orchestrate lasting changes that have improved her community. For these reasons, she was selected as the recipient of the 2019 COPIC Humanitarian Award, an annual award that honors a physician for outstanding volunteer medical services and contributions to his or her community.



Dr. Frazzetta with her family and Montrose County Representative Marc Catlin, after being recognized by the Colorado General Assembly at Colorado's state capitol.

Among her volunteer accomplishments, Dr. Frazzetta created the Physician's Health and Wellness Committee which served as a medical advisory board for the Montrose School District. This board helped to initiate changes including improving the school lunch program, complying with state nutrition guidelines, improving food access, and implementing a “recess before lunch” program to improve consumption and decrease waste. Additionally, Dr. Frazzetta has played an instrumental role in the school district's reproductive health education program for fifth and ninth graders. She also initiated the school district's concussion protocol, now a standard part of the district's athletic policy. A dedicated leader, Dr. Frazzetta is well-respected by her colleagues and patients alike.

Dr. Frazzetta has chosen the San Juan Healthcare Foundation to receive the award's \$10,000 donation to support health services in the Montrose schools. On March 4, Dr. Frazzetta was recognized at Colorado's state capitol, where she was introduced on the floor of the House before the Colorado General Assembly for her exceptional volunteerism. Congratulations to Dr. Frazzetta!



Dr. Frazzetta with COPIC board member, Dr. Sophia Meharena at March 4, 2020 award presentation.



NOMINATE A PHYSICIAN FOR THE COPIC HUMANITARIAN AWARD

Do you know a Colorado physician who deserves to be recognized for going beyond the scope of practice to improve lives in his or her community? If so, please consider nominating him or her for our annual COPIC Humanitarian Award. Nominations are being accepted through August 31, 2020. The award provides a \$10,000 donation to be awarded to a Colorado health care-related nonprofit organization of the recipient's choice.

To nominate a physician, visit www.callcopic.com/about-copic/copic-humanitarian-award to download a nomination form or email Laura Wadleigh at lwadleigh@copic.com.



THE LEGISLATIVE LANDSCAPE

RECAP OF THE 2020 LEGISLATIVE SESSION

The Iowa Legislature resumed its session on June 3rd after the COVID-19 pandemic forced legislators to take a two-and-a-half-month break. Legislators did their best to make up for lost time during the two-week period while they were back in session.

The Iowa House adjourned Sunday, June 14th and the Senate quickly followed. The last marathon week

included passage of a bill addressing police reforms, a 24-hour abortion waiting period, and restrictions on voting.

COPIC worked closely with our health care partners to identify and monitor policies impacting health care delivery. A few of the bills COPIC monitored this session are highlighted below.



STATE BUDGET

Lawmakers approved a status quo general fund budget of \$7.78 billion before adjourning for the year. The budget largely keeps state spending for most departments and agencies the same as the current fiscal year.

The omnibus budget bill included several sections addressing mental health issues. The bill grants the Department of Human Services (DHS) additional oversight of regions to mediate regional disputes and allows DHS to seek annual audits, regional government agreements, and

annual service and budget plans to determine if a region is meeting requirements for regional system. DHS is required to facilitate the county social services mental health and disability services region dividing into two separate regions per additional requirements set forth in the bill. Finally, the bill allows Polk County to transfer moneys from any funds to the mental health and disability services fund through June 30, 2021. Polk County was appropriated \$5 million from the Iowa Values Fund in Chapter 15G.



PASSED LEGISLATION

Senate File 2338 (Whiting) was a bill that originally included the health care communities' language to truly cap the non-economic damages. The bill easily cleared the Senate, but faced an uphill battle in the House. Unfortunately, the bill language was amended in the House to remove the medical liability caps language and was replaced with broad industry COVID-19 liability protections, including protections for care impacted by COVID-19. While COPIC and our partners are pleased with the COVID-19 protections, we will continue to advocate for a hard cap on non-economic damages. The Governor signed the bill on June 18.

House File 2627 (Lundgren) extends license expiration for all licenses that expire in 2020 to June 30, 2021 and allows for CEUs to be met online. The bill provides that a license can't be denied for past criminal offenses under certain circumstances and allows for licensing of out-of-state persons by recognizing education, training, and work experience within the past four years to meet licensing

requirements. The bill includes all health care-related licensing but retains authority with the Board of Medicine, Board of Nursing, Dental Board and Board of Pharmacy to determine whether education, work, or training requirements from other states are sufficient for licensing in Iowa.

Senate File 2357 (Best & Whiting) is a bill expanding the scope of practice for physician assistants (PAs). The bill provides that a PA may prescribe, dispense, order, administer, or procure prescription drugs, controlled substances, or medical devices necessary to complete a course of therapy under certain conditions and subject to rulemaking. The bill also includes PAs in the list of health care providers that can be held liable for personal injury and in provisions relating to the recovery of monetary compensation for damages due to personal injury. The bill requires extensive rulemaking by the Board of Medicine and the Board of Physicians Assistants to implement the provisions of the bill. This bill has been signed by the Governor.

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PASSED LEGISLATION (FROM PAGE 1)

House File 310 (Bossman & R. Smith) is a bill expanding the current scope of practice of licensed optometrists by allowing optometrists to administer the following injections once they obtain Board of Optometry approval:

- Sub-conjunctival injections for medical treatment of the eye.
- Intra-lesional injections for treatment of chalazia.
- Injections to counteract an anaphylactic reaction.

- Botulinum toxin to the muscles of facial expression innervated by the facial nerve, including for cosmetic purposes.

The bill requires prior approval from the Board of Optometry before an optometrist can administer an injection and limits the ability of the Board to approve the use of injections unless the optometrist has had appropriate training. Injections to counteract an anaphylactic reaction are not required to have Board approval.



POSTPONED LEGISLATION

In regard to liability damages cap language amended out of **Senate File 2338**, the original bill aimed to impose a non-economic damages cap by removing the “soft cap” exception that allows a jury to forego the cap under certain circumstances. The bill was amended in the Senate to increase the non-economic damage cap from \$250,000 to \$750,000. A subcommittee was scheduled in the House on the day that session was suspended. COPIC was in strong support of this bill and will continue to work with health care partners in Iowa in order to maintain a stable tort environment by pursuing non-economic damages caps.

Although this is the final update covering the 2020 legislative session, we expect a number of these conversations to continue over the course of the summer and fall months leading up to 2021. COPIC will update you as we continue to work with our health care partners on issues that impact safe, quality care. For more information, visit us at www.callcopic.com and go to the Legislative Action Center under the Resource Center located in the top navigation of the website.

If you have any questions, please contact COPIC’s Senior Vice President of Public Affairs, Beverly Razon, at (720) 858-6056 or brazon@copic.com.

2020 IMS/COPIC PHYSICIAN HUMANITARIAN AWARD: DR. JAMES BELL

For over 25 years, Dr. James Bell has volunteered his time and expertise to provide free medical care to the Cedar Rapids community by founding His Hands Free Clinic. Inspired by a community leader in 1991 who told attendees at a meeting to “return to their communities and do something to provide health care for the poor,” Dr. Bell and a few colleagues began seeing patients at the local YMCA using sheets for walls. Approximately 200 patients were seen that year. Since 1992, the clinic has helped over 12,000 uninsured and underinsured residents in the local and surrounding area communities with on-site medical and dental care as well as spiritual support.



This year, the Iowa Medical Society (IMS) elected to honor Dr. Bell with this award in recognition of his work as founder, physician, and board member at His Hands Free Clinic, working to better his community through exemplary volunteer services that go above and beyond the spectrum of his day-to-day life. Dr. Bell is also the Director of Palliative Care at Unity Point/St. Luke’s Hospital and the Medical Director of Methwick Health Center, which offers a unique combination of assisted and independent living for all stages of senior life.

The IMS/COPIC Physician Humanitarian Award is presented each year to honor a physician in Iowa for volunteer medical services and contributions to their community

through principles focused on human dignity, social justice, and compassion. Previously known to IMS as the Physician Community Service Award, today, the IMS Physician Community Service Award and the COPIC Humanitarian Award come together.

Dr. Bell has selected His Hands Free Clinic to receive the award’s \$10,000 donation to support health services in his community.

The IMS/COPIC Physician Humanitarian Award was presented to Dr. Bell on July 10 at the President’s Reception of the Iowa Medical Society, held as a virtual event this year in Cedar Rapids. Congratulations Dr. Bell!