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TISSUE SPARING PROCEDURE DISCLOSURE AND AGREEMENT RELATED TO PAYMENT

What is the Tissue Sparing Technique?

The concepts behind Tissue Sparing technique are very straightforward. First, the less damage that one does “on the way in”, the less repair is needed “on the way out”. Clearly, incisions need to be sewn closed, but, unlike traditional techniques for hip or knee replacement, muscles and tendons do not need to be disconnected in order to do the replacement so no repair of muscles or tendons is required at the end. The second is that brute force is not necessary to accomplish the goals of the surgery. Brute force used during surgery is a source for pain after the surgery. When the surgery is done without the use of force, then there will be less pain afterwards.

Drs. Harris and Broome have developed unique tissue-sparing techniques that are used in our hip and knee replacement surgeries. These procedures are intended to produce less post-operative pain, require shorter rehabilitation times, provide quicker returns to normal activities, and incur shorter hospital stays than are associated with traditional surgical techniques.

Some of the instruments required to perform the surgeries have been developed by Dr. Harris. The procedure and instruments require a greater degree of surgical skill and experience and take more time to perform than the traditional techniques. Other surgeons may choose to approach hip and knee replacement with more of an assembly line mentality. and in the traditional manner. Drs. Harris and Broome refuse to do the same. As our patient, you are expected to benefit from our use of these surgical techniques.

Your insurance carriers also benefit. The overall cost to them is lower than surgeons using traditional techniques as the time in the hospital is shorter, there is less need for rehabilitation, and for those who are working, there is less time off work. We estimate that our procedures result in a savings of between \$10,000 and \$20,000 off the total cost of treatment when the surgical procedures are performed by Drs. Harris or Broome instead of by other surgeons who use traditional techniques.

To date, all insurance companies seem to follow the federal government’s lead. The government views all physicians as equal and interchangeable as tiles on a bathroom floor. Despite the advantages to you and to them, the insurance companies often do not feel any responsibility to

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pay Dr. Harris or Dr. Broome anything different from that which they pay surgeons who use traditional techniques.

Keep in mind that any surgical procedure carries some risk of complications. These risks will be explained in more detail by your surgeon. Please feel free to ask questions. It is always the intent to utilize tissue sparing techniques. Rarely, the situation arises where a more invasive technique is required.

Billing Background and Disclosure

Ultimately, everything for which a physician submits a bill is translated to a number from a list of Common Procedural Terminology, or CPT code. This is a five digit number. It literally does require an act of Congress to create a new CPT code. There is no code that describes the tissue sparing technique. There are “catch all” or “unlisted” procedure codes for the hip (27299) and for the knee (27599).

If billed to insurance, these procedure codes will process resulting in one of four determinations. Given there may be some verbiage differences between carriers, the below determinations represent the vast majority. These determinations are dependent upon plan or network restrictions, carrier guidelines, individual policy restriction, restriction placed by employers, government guidelines, and the operative report language. It is impossible to determine ahead of time how the claims will process when the unlisted procedure codes are used.

Possible Insurance Company Determinations:

1. **NonCovered Service:** Insurance will not cover the cost of the tissue sparing procedure.
2. **Inclusive to Primary Procedure:** (i.e. “bundled” or “not separately payable” or “global to primary procedure”): Insurance deems that the tissue sparing technique is reimbursed in the primary procedure with no acknowledgement of the additional time and complexity. Nor does this determination acknowledge that the primary procedure could have been performed without this advanced technique. It treats all surgeries the same, in which they are not.
3. **Experimental or Not Medically Necessary:** This determination depends on the insurance carrier and what guidelines they are using for your particular policy. Because there is no “official” CPT code for the tissue sparing technique, the carrier will say that it is experimental or not proven effective by the insurance company. Tissue sparing has been in practice for over a decade with overwhelming evidence that it represents the best surgical practices.
4. **Allowed:** In some cases, your insurance may allow the tissue sparing techniques, but may pay well below what is needed to cover the extra time and complexity. An added issue is

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that insurance companies, sometimes years later, change their mind, and demand return of the payment which leaves the patient responsible.

We have attempted (and will continue to attempt) to convince the insurance companies to pay for this additional value. So far, we have had very limited success. Each surgeon and each procedure is viewed by them as an "expense" which they wish to minimize. While we would prefer that they be paid appropriately by your insurance carrier, we cannot predetermine that will be the case.

Your Rights:

The patients' bill of rights may vary slightly from organization to organization, but all center around the basic theme for quality healthcare that is driven by the patient and to empower patients to take an active role in improving their health. It is designed to strengthen the relationships people have with their health care providers, and to establish patients' rights in dealing with insurance companies and other specific situations related to health care coverage. It attempts to assure that the healthcare system is fair and works to meet the patient's needs.

All patients should be guaranteed the following freedoms:

- * To seek consultation with the physician(s) of your choice;
- * To contract with your physician(s) on mutually agreeable terms;
- * To be treated confidentially, with access to your records limited to those involved in your care or designated by you;
- * To use your own resources to purchase the care of your choice;
- * To refuse medical treatment even if it is recommended by your physician(s);
- * To be informed about your medical condition, the risks and benefits of treatment and appropriate alternatives;
- * To refuse third party interference in your medical care, and to be confident that your actions in seeking or declining medical care will not result in third party imposed penalties for patients or physicians.

In consideration of your patient rights, this document's purpose is to inform you about the tissue sparing techniques as provided by this office, to disclose the potential determinations made by your insurance regarding the tissue sparing agreement, and to come to a formal conscientious agreement regarding your decision for your medical care, as it relates to the tissue sparing technique.

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Agreement: What you need to do now.

- * Read this notice, so you can make an informed decision about your care.
- * Ask us any questions that you may have after you finish reading.
- * Choose an option below about whether or not to receive the tissue sparing technique.

Options: Check only one box. We cannot choose a box for you.

OPTION 1. I want the tissue sparing technique listed above. I understand that I will be asked to pay prior to my operation and that I am solely responsible for payment and I agree not to file a claim with my insurance company for the tissue sparing service. I grant permission and further understand that SAOS will not bill the tissue sparing technique for payment to my insurance company for my hip or knee replacement. The fee for the "unlisted procedure" for the tissue sparing technique is \$1,750. I agree to be fully responsible for the payment of this fee for this additional service. I also understand that by not submitting this procedure to my insurance, that I waive any rules set forth by my insurance carrier for these "unlisted procedures" in my contract and/or in my physician's contract. I understand that this payment will not be credited towards satisfying any deductible to which I may be subject under my health insurance plan unless my plan specifically allows for such credit.

OPTION 2. I don't want the tissue sparing technique. I understand with this choice I am not responsible for payment, but that I will need to find another surgeon.

By signing below, it means that you agree that you have received and understand this 4 page notice. You, as the patient, fully understand the procedure being offered by SAOS, the potential determination that insurance could make as it relates to this procedure, and your right to make your own healthcare decision after information has been provided to you. Your signature means that you have selected one of the options above as it relates to the tissue sparing technique.

Name

Date

Signature