

Creative Marketing Strategies: Keeping It Legal

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Agenda

- Overview of current legal requirements for physician and patient marketing.
- Presentation of creative marketing ideas – some legal, some need “adjusting”.
- Q & A.



Today's Legal Discussion

- The laws:
 - Federal Anti-Kickback Statute.
 - Guidance from pharmaceutical industry.
 - Stark Law.
 - Limited repayment mechanism.
 - Period of disallowance.
 - Antitrust.
 - HIPAA.
 - State laws.
 - Miscellaneous.
 - IDTF standards.



Today's Legal Discussion (cont'd)

- What's generally permissible?
- What's generally impermissible?
- What's in the "gray area" of legal compliance?
- Guiding principles gleaned from legal scrutiny of health care businesses.
- Questions and answers.



What Will Not Be Discussed Today

- Provider marketing to payors.
- Provider marketing to hospitals.



Common Physician Marketing Strategies/Tactics

- Person-to-person marketing.
- Gifts and “leave behinds.”
- Entertainment.
- Education.
- Research, publications and presentations.
- Advertisements.
- Free/discounted diagnostic imaging services.
- Quality and service.



Marketing Strategies/Tactics: Person-to-Person Marketing

- Deployment of professional marketing staff.
 - Convey the value proposition.
 - Apprise about new technologies/new uses for existing technologies.
 - Communicate your qualifications, especially ones that are unique.
 - Demonstrate:
 - The available images and their utility.
 - Picture, archiving and communication system ("PACS").
 - Referral and report process.
 - Leave behind clinical information, article reprints, brochures, scheduling request/order forms, pens, etc.



Marketing Strategies/Tactics: Person-to-Person Marketing (cont.)

- Radiologist contact with customers.
- Direct to patient marketing.



Marketing Strategies/Tactics: Gifts and “Leave Behinds”

- Holiday-related gifts.
 - **E.g., a New Years gift**
- Scheduling request/order forms.
- Post-its.
- Cups.
- Pens.
- Brochures.



Marketing Strategies/Tactics: Entertainment

- “Night at the game” for physicians and their staff.
- Physician(s) entertainment of referring physician(s).
- Lunch for the staff at physicians’ offices.
- Ski trip to Aspen.



Marketing Strategies/Tactics: Education

- Programs on new technology/new uses for existing technology.
- Programs on ordering the right procedure.
- Continuing medical education (“CME”).
 - Get yourself accredited to provide CME.
 - Co-sponsor programs with someone else, such as a hospital, that is already accredited.
 - Co-sponsor with manufacturers.
- Tumor boards at the hospital.
- Focus groups.
- Patient education and outreach.



Marketing Strategies/Tactics: Research, Publications and Presentations

- Involvement in research:
 - Local, national, manufacturer-sponsored, etc.
- Publication:
 - Peer-reviewed clinical research papers.
 - Business topic discussions.
 - Patient-friendly articles in local throwaways.



Marketing Strategies/Tactics: Research, Publications and Presentations (cont.)

- Presentations:
 - Radiology Business Management Association.
 - American College of Radiology.
 - Radiology Society of North America.
 - Medical Group Management Association.
 - Other organizations, particularly local medical societies.



Marketing Strategies/Tactics: Advertisements

- Newspapers, magazines and other throwaways.
- Journals.
- Radio, television and internet commercials.
- Billboards.
- Mailings.
- Brochures.
- Reprints of articles and presentations.



Marketing Strategies/Tactics: Free/Discounted Services

- Professional courtesy.
- Free calcium screening or screening mammograms for non-Medicare beneficiaries.



Marketing Strategies/Tactics: Quality and Service

- Doing a good job.
- For professional component:
 - Read the films accurately.
 - Minimize equivocation.
 - Turnaround reports in a timely fashion.
 - Call back quickly, if not immediately, for positive cases.
 - Sub-specialize.
- For technical component:
 - Render high quality images.
 - Be well-located, and maintain attractive and calming atmosphere within imaging center.
 - Think like a hotel.



Clinical/Operational Arrangements that Potentially Have Marketing Consequences

- Provide computers and related infrastructure for accessing PACS.
- Assist with pre-certification.
- Enter into fair market value block time or per click lease or infrastructure arrangements.
- Maintain other legally compliant relationships with referring physicians.



Federal Anti-Kickback Statute Prohibited Activity

- The Federal Anti-Kickback Statute is an intent-based statute which prohibits the offering, paying, soliciting or receiving of any remuneration in return for:
 - business for which payment may be made under a federal health care program or
 - inducing purchases, leases, orders or arranging for any good or service or item paid for by a federal health care program.



Federal Anti-Kickback Statute Prohibited Activity (cont'd)

- “Remuneration” includes kickbacks, bribes and rebates, cash or in kind, direct or indirect, covert or overt.
- Only one purpose: the statute has been interpreted to cover any arrangement where only one purpose of the remuneration was to obtain money for the referral of services or to induce referrals.
- After the Patient Protection and Affordable Care Act, “[a] person need not have actual knowledge of [the statute] or specific intent to commit a violation of [the statute]” for there to have been a violation.



Federal Anti-Kickback Statute Penalties

- The statute ascribes criminal liability to both sides of an impermissible “kickback” transaction.
- Violations of the statute are punishable by
 - \$25,000 fine per offense,
 - Imprisonment of up to five years,
 - Treble damages, and
 - Possible exclusion from all Federally-funded health care programs.



Federal Anti-Kickback Statute Statutory Exceptions

- Discounts.
- Employees.



Federal Anti-Kickback Statute Safe Harbors

- Personal services and management contracts.
- Referral services.
- Specialty services.
- ERx and EHR services



Federal Anti-Kickback Statute Significance of Safe Harbor

- Satisfy Safe Harbor: If an arrangement meets one of the applicable safe harbors, it is fully protected from both criminal and civil liabilities imposed by the Anti-Kickback Statute.



Federal Anti-Kickback Statute Significance of Safe Harbor (cont'd)

- Failure to Satisfy Safe Harbor: Failure to comply with safe harbor does not mean the conduct is per se illegal. Instead, the OIG will look at the facts and circumstances surrounding the arrangement to determine whether the arrangement was intended to generate referrals and poses a risk of program abuse.



Federal Anti-Kickback Statute Significance of Safe Harbor (cont'd)

- Factors the OIG considers include:
 - identity of the party and party's relationship with its audience, such as whether the seller is billing a Federal program directly,
 - nature of the marketing (intrusiveness, potential for abuse, etc.),
 - the item or service being promoted (e.g., is the marketing for very specific items and has there been a history of overutilization), and
 - target audience (referral sources, Medicaid beneficiaries, the elderly, etc.).



Gifts to Beneficiaries

- Be aware of Federal pronouncements on “gifts” and other benefits to Medicare beneficiaries.



Guidance from Pharmaceutical Industry

- Effective January 2009, the Pharmaceutical Research and Manufacturers of America updated its PhRMA Code on Interactions with Healthcare Professionals.
- In April 2003, the OIG issued Compliance Program Guidance for Pharmaceutical Manufacturers.



Guidance from Pharmaceutical Industry (cont'd)

- Although not perfectly on point, these items offer some insight into the marketing strategies and tactics that are considered OK and ones that present risks, and they highlight the importance of having policies and procedures and an effective compliance program.
 - It is noteworthy that some approaches that historically have been used by pharmaceutical manufacturers are similar to ones used by diagnostic imaging providers.



Guidance from Medical Technology Industry

- Effective July 2009, the Advanced Medical Technology Association (“AdvaMed”) issued its Code of Ethics on Interactions with Health Care Professionals.



Guidance from Medical Technology Industry (cont'd)

- Again, although not perfectly on point, the code is another good resource for examples of the types of steps that can be taken to avoid regulatory problems.



Stark Law Prohibited Activity

- “If a physician (or an immediate family member of such physician) has a financial relationship with an entity . . . then the physician may not make a referral to the entity for the furnishing of designated health services (“DHS”) for which payment otherwise may be made” under Medicare (and to some extent Medicaid) **UNLESS AN EXCEPTION APPLIES.**



Stark Law Penalties

- Denial of payment.
- Disgorgement.
- Fine of up to \$15,000 for each service a person “knows or should have known” was provided in violation of Stark.
- Fine of up to \$100,000 for attempting to circumvent Stark for each such circumvention or scheme.
- Exclusion from all federally-funded health care programs.



Stark Law Important Definitions

- Financial Relationship: Defined to include any type of ownership or investment interest and any compensation arrangement, i.e., any arrangement involving any remuneration between a physician and an entity, directly or indirectly, overtly or covertly, in cash or in kind.



Stark Law Important Definitions (cont'd)

- Remuneration: Defined to include any payment or other benefit made directly or indirectly, overtly or covertly, in cash or in kind, subject to certain limited exceptions.
 - Includes the provision of free fax or computer equipment, unless it can be demonstrated that the equipment is integral to and used exclusively for performing work for the entity that supplied the equipment (e.g., such as computer terminal provided by a lab for the sole purpose of ordering lab tests).
 - But see new exceptions for ERx and EHR.



Stark Law Important Definitions (cont'd)

- Designated Health Services: It includes in its definition “radiology and certain other imaging services.”



Stark Law Important Definitions (cont'd)

- Referral: Defined more broadly than merely recommending a vendor of DHS to a patient; instead, it is defined as “the request by a physician for the item or service” or the “establishment of a plan of care by a physician which includes the provision of the designated health service.”
 - Excluded from the term “referral” is a request by a radiologist for diagnostic radiology services, subject to certain requirements.



Stark Law Miscellaneous Exceptions

- Payments to employees.
- Payments by a physician.
- Fair market value compensation.
- Professional courtesy.
- ERx and EHR.



Stark Law Exception for Non-Monetary Compensation

- This exception applies to compensation from an entity in the form of items or services (not including cash or cash equivalents) that does not exceed an aggregate of \$300 per year if certain conditions are satisfied.
 - Amount is indexed to increase with the Consumer Price Index-Urban All Items (see http://www.cms.gov/PhysicianSelfReferral/50_CPI-U_Updates.asp#TopOfPage (the "CY \$\$\$ Limit").
 - ***The CY \$\$\$ Limit for calendar year 2011 is \$359.***
 - ***The CY \$\$\$ Limit for calendar year 2012 is \$373.***
- CMS has clarified that the dollar limitation is to be calculated on a calendar year basis.



Stark Law Exception for Non-Monetary Compensation (cont'd)

- All of the following conditions must be satisfied:
 - the compensation is not determined in any manner that takes into account the volume or value of referrals or other business generated by the referring physician,
 - the compensation may not be solicited by the physician or the physician's practice (including employees and staff members), and
 - the compensation arrangement does not violate the anti-kickback statute.



Stark Law Exception for Non-Monetary Compensation (cont'd)

- The exception now has a limited repayment mechanism to preserve compliance.
- Where an entity has inadvertently provided nonmonetary compensation to a physician in excess of the dollar limit for that year, such compensation is deemed to be within the limit if:
 - the value of the excess nonmonetary compensation is no more than 50 percent of the limit, and
 - the physician returns to the entity the excess nonmonetary compensation (or an amount equal to the value of the nonmonetary compensation) by the end of the calendar year in which the nonmonetary compensation was received or within 180 consecutive calendar days following the date the excess nonmonetary compensation was received by the physician, whichever is earlier.
- This repayment mechanism may be used by an entity only once every 3 years with respect to the same referring physician.



Period of Disallowance

- Begins (in all cases) at the time the financial relationship fails to satisfy the requirements of an applicable exception.
- Ends no later than:
 - Where the noncompliance is unrelated to compensation, the date that the financial relationship satisfies all of the requirements of an applicable exception.
 - Where the noncompliance is due to the payment of excess compensation, the date on which all excess compensation is returned by the party that received it to the party that paid it and the financial relationship satisfies all of the requirements of an applicable exception.
 - Where the noncompliance is due to the payment of compensation that is of an amount insufficient to satisfy the requirements of an applicable exception, the date on which all additional required compensation is paid by the party that owes it to the party to which it is owed and the financial relationship satisfies all of the requirements of an applicable exception.



Period of Disallowance (cont'd)

- Key considerations:
 - Was effective: October 1, 2008.
 - The rule creates something similar to a “safe harbor.”
 - But it only places an outside limit on the period of disallowance in the three specified circumstances.
 - And other than what was set forth above, CMS provided no clear guidelines for determining when the end of the period of disallowance has occurred.
 - Parties will have to continue to make the determination on a case-by-case basis.
 - It's a facts and circumstances analysis.
 - Likewise, the beginning and end of a financial relationship will not coincide necessarily with the beginning and end of a written agreement.
 - Finally, be aware that CMS provided no guidance on when noncompliance is never corrected or excess or required compensation is not repaid/paid.



Burden of Proof

- Was effective: October 1, 2008 (but existing policy).
- Burden of proof (burden of persuasion) at each level of appeal is on the entity submitting the claim for payment.
 - Must establish that the service was not furnished pursuant to a prohibited referral.
- Burden of production on each issue at each level of appeal is initially on the claimant, but may shift to CMS or its contractors (and may shift back).
- Codification of existing policy.



Differences Between Anti-Kickback Statute and Stark Law

- Violation of the Anti-Kickback Statute is a Federal felony whereas violation of the Stark Law has only civil ramifications.
- The Anti-Kickback Statute requires a mens rea (i.e., an “intent” element) whereas the Stark Law is a strict liability law.
- The Stark Law applies to financial relationships between physicians and providers of DHS whereas the reach of the Anti-Kickback Statute is broader.



Differences Between Anti-Kickback Statute and Stark Law (cont'd)

- The Anti-Kickback Statute has “safe harbors”:
 - An arrangement is not necessarily illegal just because you cannot satisfy the elements of a safe harbor.
- The Stark Law has “exceptions”:
 - A physician cannot under any circumstances refer to a provider of designated health services unless the physician’s financial relationship with the provider fits within an exception.



Antitrust Exposure May Be Triggered by Advertising and Marketing Strategies

- Agreements with competitors to limit advertising spending.
- Trade association advertising restraints.
- Discounts of drugs and other commodities.
- Marketing joint ventures.



Potential Unfair Trade Practices

- False or misleading statements.
- Unsubstantiated claims.
- Competitor disparagement.



HIPAA Issues

- HIPAA regulates a “covered entity’s” use and disclosure of an individual’s “protected health information.”
- Marketing is defined as communications about a product or service, a purpose of which is to encourage recipients of the communication to purchase or use the product or service.



HIPAA Issues (cont'd)

- Exceptions: these communications not “marketing” for HIPAA purposes:
 - Describing a health-related product or service provided by the entity or included in benefit plan.
 - Made as part of treatment and to further treatment.
 - Part of managing treatment or providing alternatives.



HIPAA Issues (cont'd)

- HiTECH narrowed the marketing exceptions.
- Under HiTECH, if the covered entity receives financial remuneration for making the communication, the communication is “marketing” (subject to certain limited exceptions).



Authorization Requirements

- Under HIPAA, most marketing uses and disclosures (e.g., sale of a patient list to a marketing company) require patient authorization.
- No authorization needed for the following marketing activities:
 - Face-to-face encounter with individual.
 - Concerns products or services of nominal value.



State Laws

- Most states have analogues to the Federal Anti-Kickback Statute and the Stark Law.
 - Such laws are usually “all payor” in scope.
 - May be broader or more narrow than Federal law.
 - The intent behind the arrangement is often important.
- State enforcement initiatives.
- Tort liability related to standard of care.



State Laws (cont'd)

- Some state licensing laws include:
 - Prohibitions on claims of superiority (some states bar only unsubstantiated claims of superiority).
 - Prohibitions on use of testimonials.
 - Bans on false, misleading and deceptive advertising.
 - Prohibitions on guarantees of success.
 - Bars against advertising of fee comparisons.
 - Prohibitions on statements that play upon vanity or fears of the public.
 - Limitations on advertising content.



IDTF Performance Standard Prohibiting Direct Patient Solicitation

- 42 CFR § 410.33(g)(7), which was effective January 1, 2007, requires that each IDTF must “[a]gree not to directly solicit patients, which include, but is not limited to, a prohibition on telephone, computer, or in-person contacts. The IDTF must accept only those patients referred for diagnostic testing by an attending physician, who is furnishing a consultation or treating a beneficiary for a specific medical problem and who uses the results in the management of the beneficiary’s specific medical problem.”
- In its November 2006 response to comments, CMS stated that “we are not attempting to prohibit public advertising. . . . Clearly, an IDTF can use public advertisement, including advertising on television, radio, internet, direct mailing, billboards, or newspapers.”



Miscellaneous Legal Issues

- Intellectual property rights.
- Tax exempt laws.
- Federal and state telemarketing laws.



What's Generally Permissible: A Working Assumption

- All persons involved in marketing-related functions have at least a basic familiarity with the applicable laws.



What's Generally Permissible?

- Radiologist contact with referring physicians and patients.
- Deployment of professional marketing staff.
 - Be careful if they are not employees of the provider, and if not, then be careful how they are compensated.
- Gifts and leave behinds.
 - Remember the CY \$\$\$ Limit under the Stark Law.
 - Be careful about any link between the relative value of the gift and the importance of the recipient as a referral source.



What's Generally Permissible?

(cont'd)

- Provider/staff education.
 - New technology/new uses for existing technology.
 - Ordering the right procedure.
 - Food can be offered, but safer to stay within the non-monetary compensation CY \$\$\$ Limit under the Stark Law.
 - Tumor boards.
- Patient education.
 - Be careful to comply with HIPAA.
 - If using telemarketing, be careful to comply with Federal and state telemarketing laws (and new IDTF standard).



What's Generally Permissible?

(cont'd)

- Sponsorship or co-sponsorship of CME.
 - Be careful to charge fair market value for the CME if, but for receiving the CME from you, the participant would have to pay someone to obtain the CME.
 - Be careful to structure relationships with co-sponsors in compliance with applicable laws.
- Focus groups.
 - Compensation can be paid to participants, but if referral sources are involved, be careful to fit within the fair market value compensation exception under the Stark Law.



What's Generally Permissible? (cont'd)

- Research, publications and presentations.
- Advertisements.
 - Be careful to use reasonable, fact-based statements and avoid hyperbole.
 - Remember state laws and related ethics pronouncements.
- Quality and service.
 - Again, be careful to use reasonable, fact-based statements and avoid hyperbole.



What's Generally Impermissible?

- Anything that involves an express or implied quid pro quo, i.e., we will give you this if you will refer to us.
- Paying compensation that looks like commission to a marketing firm or independent sales rep.



What's Generally Impermissible? (cont'd)

- Any non-monetary compensation that exceeds the CY \$\$\$ Limit under the Stark Law.
 - Be particularly careful about entertainment that is not part of (and included in the cost of) CME or other education, e.g., the trip to Hawaii that one of the radiologists wants to purchase for a major referring physician.
- Any other exchanges of items or services for more or less than fair market value.



What's Generally Impermissible? (cont'd)

- Efforts focused primarily on major referral sources.
- Efforts targeting exclusively Medicare beneficiaries.
- Multiple financial arrangements with referring physicians.
- "Sham deals."



What's Generally Impermissible? (cont'd)

- Over-selling capabilities.
- Advertising that:
 - Is false or misleading.
 - Makes unsubstantiated claims.
 - Disparages competitors.
 - Guarantees success.
 - Has the potential effect, as a matter of tort law, of imposing a higher standard of care than is generally required under applicable caselaw.



What's In the "Gray Area" of Legal Compliance?

- Radiologists' entertainment of, and gifts to, their friends who happen to also be referring physicians.
- Entertainment, such as lunch for the staff at a referring physician's practice, when provided as part of a strictly educational program.
- Efforts that, although not on their face focused primarily on major referral sources, have the effect of reaching out primarily to major referrers.



What's In the "Gray Area" of Legal Compliance? (cont'd)

- Free/discounted services.
 - Although a Stark Law exception is available, be particularly careful about extending professional courtesy.
- Use of third-party marketing firms.
 - Focus on roles they play and how they get compensated.
 - Independent sales representatives are "suspect" regardless of how they are compensated.
- Clinical/operational arrangements that potentially have marketing consequences.



Guiding Principles

- Be wary of all cash payments.
- Any whiff of a quid pro quo arrangement, whether express or implied, evidenced orally or in writing, is a big problem.
- Anything that appears to be based upon the volume or value of referrals or other business generated, or the importance of a referral source, is also a problem.



Guiding Principles (cont'd)

- The legal risks grow almost exponentially with the size of any benefit conveyed.
 - Remember the non-monetary compensation CY \$\$\$ Limit under the Stark Law, especially for entertainment.
 - But also remember the limited repayment mechanism to preserve compliance.
 - And the rules describing the period of disallowance.
 - Ask whether a commercially reasonable fair market value exchange is occurring.



Guiding Principles (cont'd)

- Risks are lower, and “optics” are better, if marketing to:
 - All patients, not just to Medicare beneficiaries.
 - All referring physicians, not just heavy referrers.
- Independent sales representatives are suspect, regardless of how they are compensated.



Guiding Principles (cont'd)

- Use of third-party marketing firms can be OK, but be particularly careful about the role they play and how you pay them.
 - Health care is unlike most industries: you can't pay compensation that is or looks like commissions.
- On the other hand, you have much greater flexibility with how you pay your own employees.
 - Be sure they are the employees of the provider that benefits from their marketing efforts.



Guiding Principles (cont'd)

- Education: GOOD!
- Education with too much entertainment: BAD!
- You can almost never get into trouble marketing based on clinical considerations, quality and/or service.
- Use reasonable, fact-based statements and avoid hyperbole.



Guiding Principles (cont'd)

- Develop, implement, distribute, live by, enforce and continually revisit and refine written marketing policies and procedures and a corporate compliance program (with a designated Compliance Officer and Compliance Committee).
- Track all contacts made and benefits conveyed, if any, as part of your marketing and compliance programs.
 - Monitor Stark Law non-monetary compensation CY \$\$\$ Limit.
 - Remember the limited repayment mechanism now available under this exception to preserve compliance.
 - And the new rules describing the period of disallowance.



Guiding Principles (cont'd)

- Conduct training and education.
- Develop effective lines of communication.
- Use audits and/or other risk evaluation techniques to monitor compliance, identify problem areas, and assist in the elimination of identified problems.
- Enforce standards through well-publicized disciplinary guidelines.



Marketing Ideas

Presentation and Discussion



Idea #1

- Online ordering for referring physician offices.
 - Looks identical to order pad.
 - Has user names and passwords for security.



Idea from Intermountain Medical Imaging Boise, Idaho



INTERMOUNTAIN
MEDICAL IMAGING

[HOME](#) [ABOUT](#) [PROCEDURES](#) [PATIENTS](#) [PROVIDERS](#) [LOCATIONS](#)



My back pain was severe.
IMI diagnosed a herniated disc.
My kids are thankful for
piggyback rides again.



patients

Imaging is essential to your overall
healthcare team.
Learn more about IMI here.

[Online Registration](#)

[Mammography Scheduling](#)

providers

We invite referring physicians to
learn more about our specialists,
subspecialties, and technology.

[Online Ordering](#)

[Web Ambassador](#)

quick links

[What is a Radiologist?](#)

[Press and News](#)

[ACR Accreditation](#)

[Advanced Vein Therapy](#)



The screenshot shows the Intermountain Medical Imaging website. At the top left is the logo with a mountain range icon and the text "INTERMOUNTAIN MEDICAL IMAGING". To the right is a navigation menu with links: HOME, ABOUT, PROCEDURES, PATIENTS, PROVIDERS, and LOCATIONS. Below the navigation is a teal header with the text "Online Ordering". Underneath the header is a white content area. On the left side of this area is a breadcrumb trail: "You are here: Home | Providers | Online Ordering". Below the breadcrumb is a photograph of a person's hands typing on a laptop keyboard. To the right of the photograph is the text "FOR PROVIDERS ONLY" followed by two blue buttons: "WEB AMBASSADOR" and "ONLINE ORDERING". At the bottom of the page is a footer with copyright information: "Copyright ©2011 Intermountain Medical Imaging. All rights reserved." and a list of links: "Locations | Sitemap | Privacy Policy | IMI Employees (login Required) | Career Opportunities".

Providers and staff access the IMI online ordering system through the IMI website. This adds additional traffic to the IMI website and a clear path for users.



Each account user must provide a unique email address in order to be a user in the system, this follows HIPAA guidelines and allows IMI and offices to track users and orders submitted.



[Log in](#)

[IMI HOME](#) [ORDER IMAGING](#) [USER ACCOUNT](#) [CONTACT US](#)

IMI User Login

Sign in to the IMI On-Line Ordering System with the e-mail address and password that you set up during the account creation and validation process.

If you don't have an account you can [request an account here](#).

E-Mail Address:

Password:

Remember Me

[Recover Password](#)



ORDER INFORMATION

Success -- New Order Information -- Order Number: 15172

IMI Authorized User: Rachel Bergmann
Order Type: General Imaging

Patient Name	rachel bergmann	Practice	GSR
Patient DOB	5/2/1974	Provider	DallasPeck
Patient Contact	208-859-8222	Provider Phone	(208) 384-9060
Patient Sex	f	Provider E-Mail	dpeck@gemstaterad.com

Indications
test patient RBMA PPT

Download Jpeg Order Form
Download PDF Order Form

Order Information	Appointment Information
Order Status: New	Appt Location: Not Assigned Appt Date:

Example of the IMI confirmation that a user gets once an order is submitted.

Top: confirms immediately that the order was submitted successfully.

Bottom: Email that the user gets to confirm order was placed. User can opt for email, fax, or both. Offices can also download the order in either a jpeg or PDF to save in the file or import to their EMR.

From: Intermountain Medical Imaging [scheduling@aboutimi.com]
To: Rachel Bergmann
Cc:
Subject: IMI New Order Request

Your order # 15172 has been submitted to IMI.

You may log in to your user account at <https://orders.aboutimi.com> to view your order details and download a copy of your order



Example of the IMI online order list, here users can search for orders placed. A positive for those offices that use float staff, and or have multiple docs they are ordering for. No more looking in each and every patient chart for a copy of the order.



[Log Out](#)

[IMI HOME](#) [ORDER IMAGING](#) [USER ACCOUNT](#) [CONTACT US](#)

Order List

Select Search Criteria

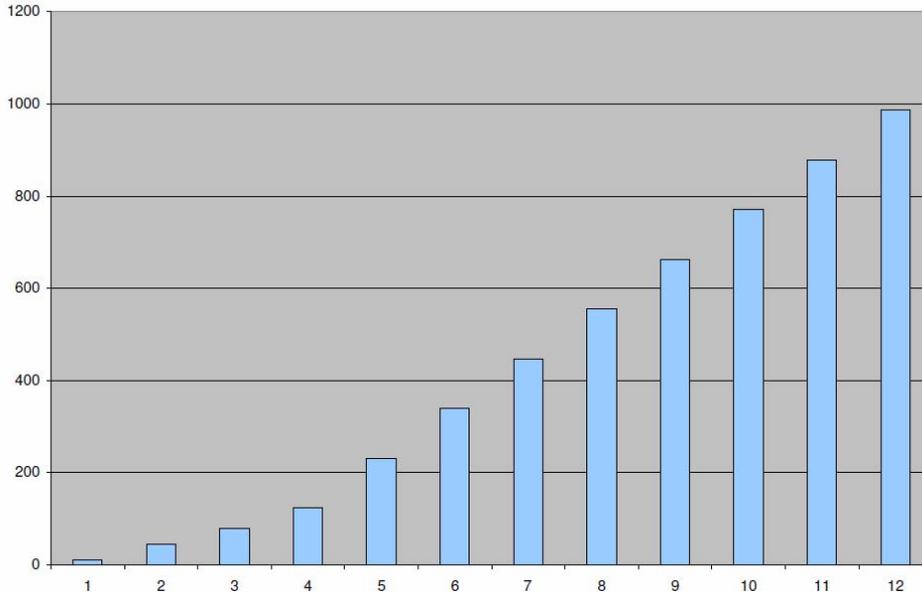
User	<input type="text" value="Bergmann, Rachel"/>	Start Date	<input type="text"/>	Sort By:	<input checked="" type="radio"/> Order Date
Status	<input type="text" value="Any Status"/>	End Date	<input type="text"/>		<input type="radio"/> Order Status
Orders	<input type="text" value="Placed"/>	Preset	<input type="text" value="No Dates Selected"/>		<input type="radio"/> User Name
					<input type="button" value="Search"/>

<< Previous Page | Next Page >>

Submitted Orders

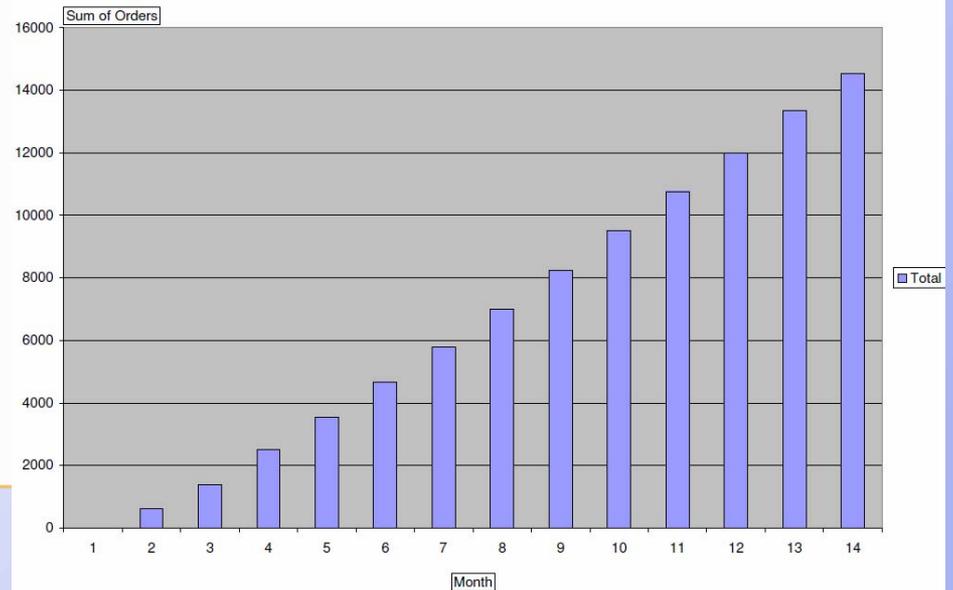
No Orders found.

Users Added



Graph represents the total of online ordering users signed up in 2010.

Orders graph represents a 14 month running total of usage. A milestone was quickly reached when the number of online orders surpassed faxed orders into the system.





Idea #2

- Facebook Scavenger Hunt.
 - Partner with local restaurants.
 - Friend on facebook.
 - Find banner at restaurant.
 - Post picture with banner.
 - Win prizes.



Idea from Radiology Ltd. Tucson, Arizona

The screenshot shows a Mozilla Firefox browser window with the address bar displaying <https://www.facebook.com/ScreeningsForLife?ref=ts>. The browser tabs include "Screenings For Life: An Awareness...", "Screenings For Life", and "News and Events | ScreeningsForLif...".

The Facebook page for "Screenings For Life" is displayed. The page header includes the Facebook logo, a search bar, and a "Like" button. The page name is "Screenings For Life" with a "Like" button and a "Health/Medical/Pharmaceuticals · Tucson, Arizona" category. The cover photo shows a collage of images related to breast cancer awareness.

The left sidebar contains navigation options: Wall, Info, Friend Activity, Pinktober, Notes, Photos, Events, Discussions, Reviews, and Screenings for Life. The "About" section states: "Promoting breast wellness, education and awareness within our community." It shows 415 likes and 73 people talking about this page. A "Like" button is visible with "See All" and a logo for "929 The Mountain".

The main content area shows "Basic Information":
Location: Tucson, AZ
About: Promoting breast wellness, education and awareness within our community.
Website: <http://www.screeningsforlife.com>
<http://twitter.com/screenings4life>

The "Likes and Interests" section lists several entities that like the page:
Tucson Medical Center, Ong Plastic Surgery, 929 The Mountain, Mama's Famous Pizza & Heros, Tucson Tamale Company, Create Cafe and Catering, Charlotte Radiology, BestCancerBootCampBlog.com, Susan G. Komen for the Cure, Bag It Tucson, American Cancer Society Making Strides Against Breast Cancer

An inset photo on the right shows a woman standing next to a large pink and orange banner. The banner features a large sunburst logo and the text: "Have you had your mammogram? screenings for life. An Awareness Campaign Sponsor".

The Windows taskbar at the bottom shows the system tray with the time 1:17 PM and several open applications, including "Screenings For Life ..." and "RSNA Powerpoint D...".

Write a comment..



Screenings For Life

With just a few days left in Breast Cancer Awareness Month, we really want to push hard to raise our donation amount for Making Strides Against Breast Cancer.

We can only do it with everyone's help. for every new person who like's the Screenings for Life Facebook page we will donate \$1.00. So pass the word along and get your friends and family clicking away. How much can you make us pay??

Like · Comment · Share · October 28 at 2:00pm

Anna Renio likes this.

1 share

Write a comment..



Screenings For Life

SCAVENGER HUNT CLUE #20

This is it folks - last clue before we pick a winner next week. You still have time to get qualified for the drawing so don't dally! Here ya go...

Who was there to kiss your boo-boos? Who made sure Dad was wearing pants when guests came over? And who was it that would make your favorite dinners? Well if this isn't one of your favorite meals it should be - their pizza is terrific! Head on over for a bite in a fun and casual environment, but don't forget your picture with the banner!

Like · Comment · Share · October 28 at 10:01am

2 people like this.



Jennette Jett Sanchez I'm working and can't get there!

October 28 at 10:09am · Like



Screenings For Life It will still be there this evening, in case it helps...

October 28 at 12:24pm · Like

Write a comment..

Screenings For Life created an event



Scavenger Hunt - Mozilla Firefox

File Edit View History Bookmarks Tools Help

facebook.com https://www.facebook.com/ScreeningsForLife/?ref=ts#/photo.php?fbid=280164182006579&set=a.273790729310591.65829.138799836143015&type=3

Most Visited Getting Started Latest Headlines top-banner

Norton Cards & Logins

Screenings For Life: An Awareness... Scavenger Hunt News and Events | ScreeningsForLif...

facebook
by Screenings For Life



Like Comment

Screenings For Life
The new location for week # 3 is ready and waiting. Anything here look familiar?
Like Comment Share October 17

Album: Scavenger Hunt · 8 of 15
Shared with: Public

Download
Report This Photo

Chat (3)

Done

Scavenger Hunt - M... RSNA Powerpoint D... 1:24 PM



Idea #3

- Groupon Advertising.
 - Advertise for Sclerotherapy.
 - Low cost for procedure.
 - Groupon features and sells.
 - Groupon takes 50% of sales price.



Idea from Via Radiology (Via Vascular) Seattle, Washington

Via Vascular Deal of the Day | Groupon Seattle - Windows Internet Explorer

http://www.groupon.com/deals/via-vascular?utm_campaign=via-vascular&utm_medium=email&utm_source=newsletter&c=title&utm_content=seattle_feed&user=SSCHREIBER@|

File Edit View Favorites Tools Help

Get the Daily Deal for: Seattle Enter your email address [Subscribe](#)

GROUPON Seattle
Groupon: Collective Buying Power

Featured Deal All Deals **NEW** How It Works Sign In Sign Up

Refer Friends, Get \$10

\$129 for Consultation and Cosmetic Spider-Vein-Removal Session at Via Vascular (\$429 Value)

Via Vascular Seattle

\$129 [Buy!](#)

Value	Discount	You Save
\$429	70%	\$300

[Buy it for a friend!](#)

Time Left To Buy
12:50:04

SOLD OUT

600 bought

Share: [Facebook](#) [Twitter](#) [LinkedIn](#) [Like](#) 4

The Fine Print

Expires Jan 31, 2012
Limit 1 per person, may buy 5 additional as gifts. Limit 1 per visit. By appointment only; subject to availability. Valid only for listed service. Non-transferable. Tax included.

Highlights

- Noninvasive treatment
- State-of-the-art technology
- Immediate results

More Great Deals Nearby

Wallingford
\$8 for \$16 at Inner Space Skatepark

[Prev](#) [Next](#)

Enjoy Groupon with Friends

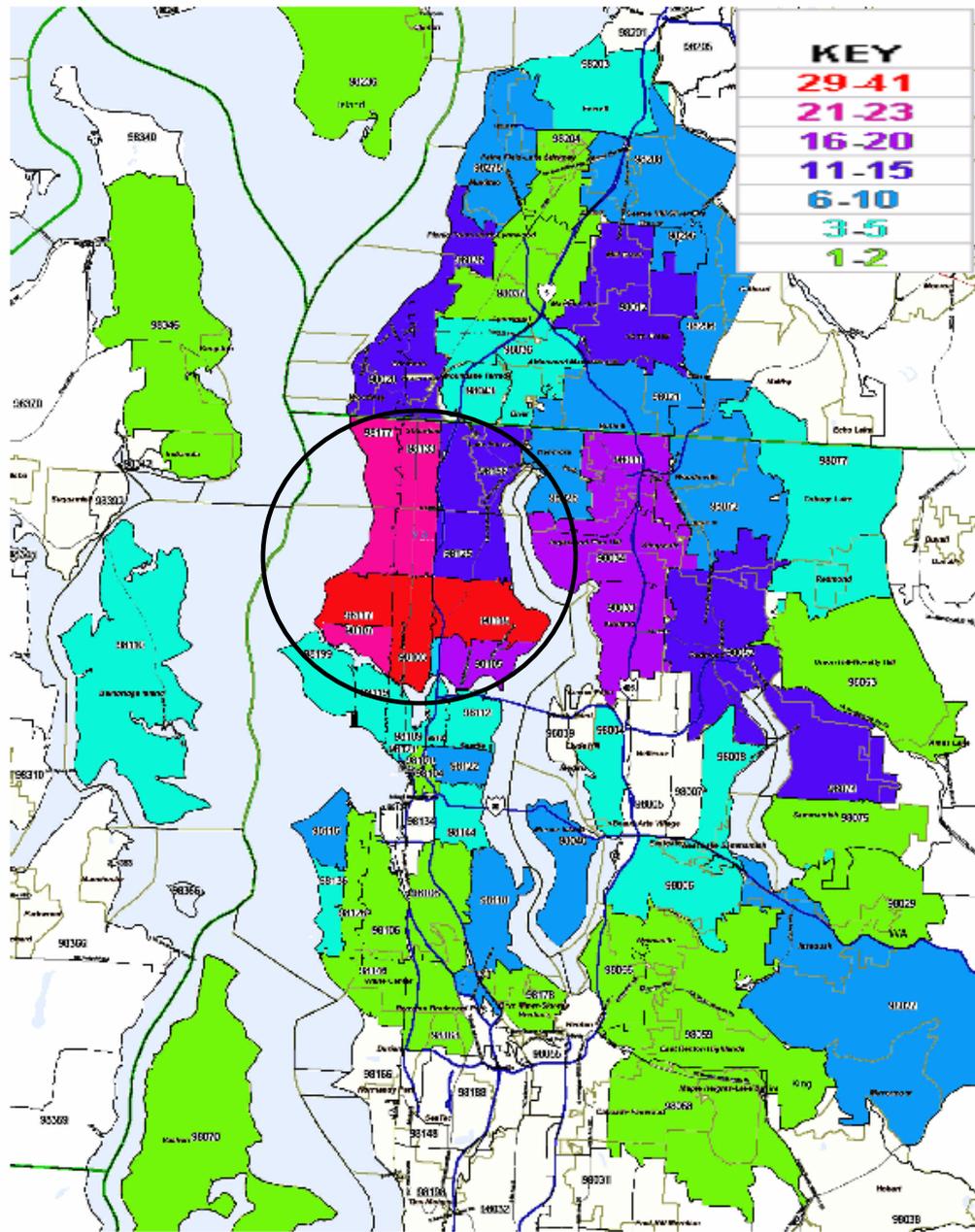
Tell your friends about Groupon, plan activities and share recommendations.

[Connect](#)

Our Promise To You

The **GROUPON** Promise

Editor - Photoshop ... Via Vascular Deal of ... Inbox - Microsoft O... 11:09 AM



- Targeted Follow up:**
- Direct Mail Campaign.
 - Val Pak.
 - Newspaper ads.



Idea #4



Pamper Me Pink

- Mammography Parties.
- Host/no-Host.





Pamper Me Pink

- Co-hosted Mammography Parties.
 - Market to local companies and various groups.
 - Company/participants provide refreshments and give-aways.
 - Breast Center provides location/education/atmosphere.
- Hosted Mammography Parties.
 - Schedule during regular evening/weekend hours.
 - Light snacks.
 - Heavy marketing/press coverage during annual pink time.





Idea #5

- P.E.T. of the month.
- First 50 to refer a P.E.T. Scan each month.
 - Deliver logo'd Beanie Baby to physician with collateral education in bag.





Idea #5

- P.E.T. ...
- ... 50 ... a P.E.T. Scan ... each
... nth
... Deliver logo ... Annie Bak ...
... physician with ... eral ... cation
... bag



Idea #6

- CME Symposium.
 - 4 hour educational event.
 - Offer CME's.
 - Presentations by Radiologists and local physicians.
 - Provide food.



CME Symposium

- Charge or no charge?
- How to value?
- Document in CRM value.



From Radiological Associates of Sacramento Sacramento, California

Radiological Associates
of Sacramento
presents

**Diagnostic
Imaging
in
Everyday
Practice**

Saturday
February 28, 2004
8 a.m. - 12:30 p.m.

The Hilton Arden West
2200 Harvard Street
Sacramento

Free Registration
Call (916) 646-8540

RAS
Radiological Associates
of Sacramento
Medical Group, Inc.

A CMA
Accredited
Provider

- Practice CME accredited
- Increase of attendance
 - First symposium 78 Physicians and NPs
 - Annual event

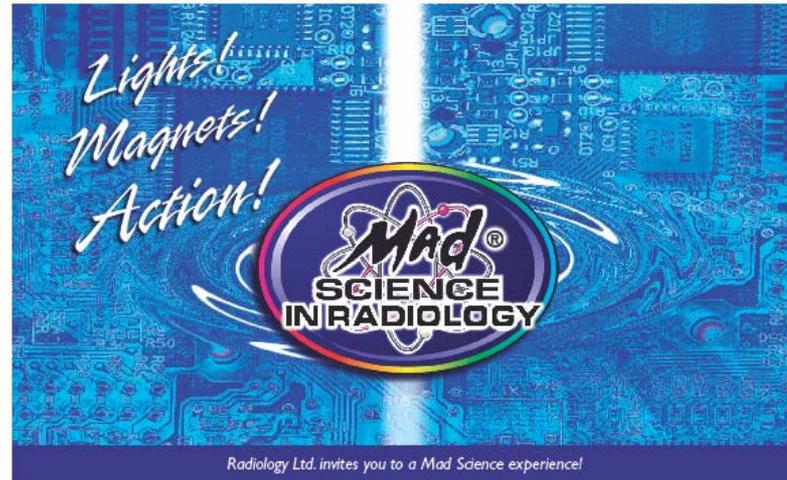


Idea #7

- Staff Education.
 - Education lunches.
 - Hosted at their office.
 - Hosted at your office.
 - Hosted at local hotel/restaurant.
 - Host educational webinars.
 - Provide own material.
 - Radiologist/staff presentations.
 - Record for distribution.
 - Provide useful collateral.
 - Authorization Guides.
 - CPT Man.
 - Basic Radiology ordering guides.



Idea from Radiology Ltd. Tucson, Arizona



Come learn about the newest MRI technology and advancements in imaging procedures. Discuss concerns specific to your practice and patients.

These gatherings are for physicians and their staff to investigate new services, and to exchange information.

Demonstrations will include:

Magnets In Motion
Light Concepts
and
New Technologies Affecting Your Patients

To assure we accommodate Tucson's vast medical community, the Mad Science Fairs will be held in several convenient locations. Space is limited to 3 people per office per fair. Breakfast or lunch is included, as well as information on new services. We look forward to meeting you!

Green Valley Science Fair
Wednesday, August 5, 2009
12:00 - 1:30 PM

Los Pavo Reales Restaurant, 1111 S. La Canada Dr.,
Green Valley, 85614

Westside Science Fair
Wednesday, August 12, 2009
12:00 - 1:30 PM

Manning House, 450 W. Paseo Redondo, Tucson, AZ 85701

Sierra Vista Science Fair
Thursday, August 13, 2009
12:00 - 1:30 PM

Holiday Inn Express, 1902 S. Highway 92, Sierra Vista, AZ 85635

Northwest Science Fair
Wednesday, August 19, 2009
12:00 - 1:30 PM

Tohono Chul Park, 7366 N. Paseo del Norte, Tucson, AZ 85704

Eastside Science Fair I
Thursday, August 20, 2009
12:00 - 1:30 PM

Radisson Hotel, 6555 E. Speedway Blvd., Tucson, AZ 85710

Eastside Science Fair II
Wednesday, August 26, 2009
7:30 - 9:00 AM

Radisson Hotel, 6555 E. Speedway Blvd., Tucson, AZ 85710

Please RSVP by Friday, July 24, 2009
to Professional Relations at 520-901-6775
or pr@radltd.com

There Is A Difference
733-SCAN (7226)
radltd.com



© Radiology Ltd. 2009



Idea # 8

- Bi-Directional EMR Feed.
 - Orders come on HL7 interface from EMR.
 - Reports are sent in return.



Idea #9

- Health fairs.
 - Complimentary Osteoporosis screening.



Health Fairs

- Sponsorships.
- Purchase booth.
- Provide Radiologist speaker
- Screening ideas:
 - Ultrasound heel screening.
 - Blood pressure.





Idea #10

- Print Advertising.



***We all love using Radiology R Us
They are the best in town!***



- Appointments within days not weeks
- Lowest cost diagnostic imaging
- Experienced & specialized staff
- Low dose radiation equipment

*Schedule your appointment today:
1-800-555-1212*



Radiology R Us



Advertising – Check your state medical board for guidelines

Texas Administrative Code [TITLE 22](#) EXAMINING BOARDS

PHYSICIAN ADVERTISING **RULE §164.3 Misleading or Deceptive Advertising**

No physician shall disseminate or cause the dissemination of any advertisement that is in any way false, deceptive, or misleading. Any advertisement shall be deemed by the board to be false, deceptive, or misleading if it:

- **(1) contains material false claims or misrepresentations of material facts which cannot be substantiated;**
- **(2) contains material implied false claims or implied misrepresentations of material fact;**
- (3) omits material facts;
- (4) makes a representation likely to create an unjustified expectation about the results of a health care service or procedure;
- (5) advertises or assures a permanent cure for an incurable disease;
- **(6) compares a health care professional's services with another health care professional's services unless the comparison can be factually substantiated;**
- (7) advertises professional superiority or the performance of professional service in a superior manner if the advertising is not subject to verification;
- (8) contains a testimonial that includes false, deceptive, or misleading statements, or fails to include disclaimers or warnings as to the credentials of the person making the testimonial;
- **(9) includes photographs or other representations of models or actors without explicitly identifying them as models and not actual patients;**
- (10) causes confusion or misunderstanding as to the credentials, education, or licensure of a health care professional;
- (11) represents that health care insurance deductibles or copayments may be waived or are not applicable to health care services to be provided if the deductibles or copayments are required;
- (12) represents that the benefits of a health benefit plan will be accepted as full payment when deductibles or copayments are required;
- (13) states that a service is free when it is not, or contains untruthful or deceptive claims regarding costs and fees. If other costs are frequently incurred when the advertised service is obtained then this should be disclosed. Offers of free service must indeed be free. To state that a service is free but a third party is billed is deceptive and subject to disciplinary action;
- (14) makes a representation that is designed to take advantage of the fears or emotions of a particularly susceptible type of patient;
- (15) advertises or represents in the use of a professional name, a title or professional identification that is expressly or commonly reserved to or used by another profession or professional;
- **(16) claims that a physician has a unique or exclusive skill without substantiation of such claim;**
- (17) involves uninvited solicitation such as "drumming" patients or conduct considered an offense under Texas Occupations Code §102.001(a) relating to the solicitation of patients; or
- (18) fails to disclose the fact of giving compensation or anything of value to representatives of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement, article, or infomercial, unless the nature, format or medium of such advertisement makes the fact of compensation apparent.

Source Note: The provisions of this §164.3 adopted to be effective May 21, 2000, 25 TexReg 4348; amended to be effective September 19, 2002, 27 TexReg 8769; amended to be effective May 12, 2008, 33 TexReg 3741

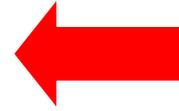


**We all love using *Radiology R Us*
They are the best in town!**

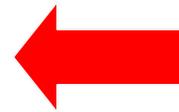


- Appointments within days not weeks like Radiology Associates
- Lowest cost diagnostic imaging
- Experienced & specialized staff
- The most accurate Radiologists in the State

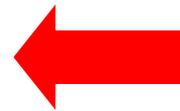
*Schedule your appointment today:
1-800-555-1212*



Can you prove you are the best?



Are all these people models or actual patients?



False claims?
Comparing yourself to competitor?



Idea #11

- Public Relations & Sponsorships.
 - Komen, Making Strides, health related causes that your referring staff support.
 - Think beyond the pink.
 - Collaboration on Rock n Docs Concerts.
 - Host thank you luncheon for ACS and other group volunteers.
 - Donate your time and talents – make sure you let the public know.

Event/ Sponsorship	Cost	Approx # Attendees (name recognition)	Visits to Booth (pick up give away)	# Interested Info/ Education (received info or asked ?)	Cost per Educated	Notes
Women in Business	\$550	1200	750	750	\$0.73	Fundraiser for Breast Cancer
Woman's Day Conference	\$950	4000	2500	1000	\$0.95	All day conference women paid \$95 to attend
Best of the Best Party	\$6500	3500	1000	100	\$65.00	\$5000 of fee direct to March of Dimes
Komen-Race for the Cure	\$10000	18,000	1500	50	\$200	Komen Foundation local fundraiser



Idea #12

- Physician office staff appreciation.
 - BBQ's.
 - Morning Coffee/Open House.



Lunch time BBQ for referring
physicians, their staff and our
staff at that site.

Usual turn out =

250 – 700 people!



What is the cost?

- Table & Chair Rentals • \$350
 - Decorations • \$100
 - Bulk food from Costco type store • \$650
 - Condiments • \$300
- = \$1400
(average \$3.50 per person)





Unique Open House

- Morning Coffee and Muffins.
 - Great for MOB.
 - Catch physicians and staff on way into office.



Thank you!

Questions.....

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