

# Success Beyond the Classroom

## Opening Your First Clinic

FSOMA Presents

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# Florida Acupuncture Licensure

- ▶ For Licensure as an Acupuncturist, the requirements are as follows and can be found in Section 457, F.S. and Rule Chapter 64B1, F.A.C.
- ▶ **General Requirements**
  1. Is at least 21 years of age
  2. Must submit application and fee for licensure (\$405.00)
  3. Completion of a training program
  4. Passage of an examination offered by the NCCAOM, or state examination approved by the board as substantially equivalent.
  5. Proof of English proficiency (only for applicants that have passed the national written examination in any language other than English)
  6. **Proof of professional liability insurance coverage**
- ▶ Professional Liability Insurance
  - ▶ AKA - Malpractice Coverage
  - ▶ Liability Limits
- ▶ Coverage limits are based on total \$\$ *per occurrence and per year (1:3)*
  - ▶ \$10,000/\$30,000 (\$250 year)
  - ▶ \$1,000,000/\$3,000,000 (\$750 year)
- ▶ If you plan to enroll in-network with VA CCN/Optum or Insurance Carriers, then check with them about their malpractice limits requirements
- ▶ Schlitt Insurance Services
  - ▶ <https://schlittservices.com>
  - ▶ AAC - CM&F Group
- ▶ HPSO

# Congratulations: Now you're licensed...

FSOMA helps Students and Licensed Acupuncturists find

## Success Beyond the Classroom

- ▶ You paid \$60,000+ for training and education
- ▶ You paid \$2,500+ for NCCAOM exams
- ▶ You paid \$250+ for Professional Liability Insurance
- ▶ You paid \$400+ for your Florida license
- ▶ You paid \$3000-\$5000 for equipment and space to open your office
- ▶ You have made a tremendous personal and financial sacrifice in your future.
- ▶ Protect your investment and your practice by becoming a lifetime member.
- ▶ The keys to longevity and success in practice are found here....

# Creating Your Business Entity

- ▶ Determine - Business Identity
- ▶ 2 Major considerations
  - ▶ Taxes - Accountant
  - ▶ Liability - Attorney
- ▶ Sole Proprietor
- ▶ Incorporated
  - ▶ PA
  - ▶ LLC
  - ▶ S Corp
- ▶ Taxpayer Identification Number
- ▶ Social Security Administration
  - ▶ Sole Proprietor
    - ▶ SSN
- ▶ Internal Revenue Service
  - ▶ Incorporated
    - ▶ EIN

# Time to apply your talents and skills.....

- ▶ Start considering your options EARLY....
  - ▶ Employee
    - ▶ Acupuncturist - Modern Acup  
- One Spa World
    - ▶ Chiropractor, PT
    - ▶ Medical Doctor
    - ▶ Counseling / Recovery
    - ▶ Hospital or Outpatient
  - ▶ Self-Employed
    - ▶ Solo/Small practice
- ▶ General Liability Coverage
  - ▶ Employee: W-2 or 1099
    - ▶ Are you covered under an existing plan in-force at your new place of employment
  - ▶ Self-employed: (750 sqft \$500)
    - ▶ Professional Limited Liability Company (PLLC)
    - ▶ Professional Association (PA)
    - ▶ Sole Proprietor (SP)

# Location, Location, Location

## ▶ Lease - Commercial space available

- ▶ Base rent (sq.ft. basis) (750 sqft x \$1.00 = \$750.00)
- ▶ CAM fees: trash, maintenance, taxes, insurance (CAM FEES = \$125.00)
- ▶ WIFI, water, electrical, pest, cleaning, general liability (Other = \$550.00)
- ▶ Equipment repairs, maintenance (studs-in vs. studs-out) (Repairs = \$ 75.00)
- ▶ **NO EQUITY** (Monthly = \$1500.00)

- ▶ Rent
- ▶ Base Rent (inclusive or not)
- ▶ Utilities and etc...
- ▶ **NO EQUITY**

## ▶ Buy - Real Estate

- ▶ Mortgage, Taxes, insurance, maintenance
- ▶ Utilities
- ▶ **BUILDING EQUITY**

# General Liability Insurance

- ▶ Know you limits....
  - ▶ Does your lease or rental agreement provide any insurance benefits that protect you against loss due to fire, flood, wind, or structure failure. If so, what value...
  - ▶ Does your Lease/Property Owner/Rental Agreement require you to maintain minimum INSURANCE coverage...if so, what limits?
- ▶ If NOT, then contact your insurance broker to discuss appropriate limits.
  - ▶ Typical - Commercial General Liability Policy

▶ General Aggregate	\$4,000,000
▶ Products & Completed	\$4,000,000
▶ Personal & Advertising Injury	\$2,000,000
▶ Each Occurrence	\$2,000,000
▶ Damage to Rented Premise	\$ 300,000 (Each occurrence)
▶ Medical Expense	\$ 5,000 (Any one person)

# Local Business Tax Application

## Local Business License

### ▶ Municipal or County License

- ▶ SunBiz Business Registration (copy)
- ▶ State Issued License DOH (copy)
- ▶ Fee \$50 - \$100

### ▶ May also require

- ▶ General Liability Coverage (copy)
- ▶ Lease / Rental Agreement (copy)
- ▶ Fire Exit / Plan Drawing (copy)

### ▶ Acupuncturist's Office

- ▶ No Establishment License
- ▶ No hand-sink in treatment room
- ▶ No National Electrical Code (NEC)
- ▶ AHCA Health Care Clinic Exemption
  - ▶ Section 400.9905(4)(g)FS

### ▶ ADA Accessibility

- ▶ Required for in-network contracting with:
  - ▶ VA CCN
  - ▶ Public & Private Insurers



# Clinic Manuals

## ▶ Employee Handbook

- ▶ Document Policies and Procedures that govern clinic's administrative practices.
  - ▶ Employment Basics.
  - ▶ Workplace Policies.
  - ▶ Code of Conduct.
  - ▶ Compensation and development.
  - ▶ Benefits and Perks.
  - ▶ Working Hours, PTO and Vacation.
  - ▶ Employee Resignation and Termination.

## ▶ HIPAA Privacy & Security Handbook

- ▶ Document Policies
- ▶ Workforce Training
- ▶ Privacy Officer
- ▶ Patient Privacy
- ▶ Security Rule
  - ▶ Data Encryption
- ▶ Security Risk Assessment (SRA)
- ▶ Employee Sanction Policy
- ▶ EHR/EMR
- ▶ Data Access Policies
- ▶ Breach Notification Plan
- ▶ Complaints/Concerns

# HIPAA Privacy & Data Security Notice

- ▶ The HIPAA Privacy Rule requires covered health care providers to develop and distribute a notice that provides a clear, user friendly explanation of individuals rights with respect to their personal health information and the privacy practices of health plans and health care providers. This page provides options for meeting the requirement to create notices of privacy practices (NPP).
- ▶ HHS developed the model NPPs you see on this site to help improve patient experience and understanding. These models use plain language and approachable designs.
- [NPP Booklet - HC Provider - PDF](#)
- [NPP Layered - HC Provider - PDF](#)
- [NPP Full Page - HC Provider - PDF](#)
- [NPP HC Provider - Text Version](#)

# Disclosure Notice: Financial Policy

- ▶ A payment policy lets your patients know what you expect of them and what they can expect of you. A well-crafted policy will prevent patients from being surprised about their financial obligation when they receive your services. It will also give your practice some legal protection should a patient fail to pay what you are entitled to collect.
- ▶ Be sure to tailor your policy to your practice, making sure to address the following elements:
  - When payment is due (e.g., usually the date of service, unless other arrangements have been made in advance);
  - Who is responsible for payment (e.g., self-pay patients are responsible for the entire amount of the bill; patients in health plans are responsible for any amounts not covered by their insurance);
  - How co-pays and deductibles will be handled (e.g., co-pays are collected at each visit without exception);
  - What forms of payment your practice accepts (e.g., personal checks, debit cards, credit cards);
  - Your practice's policy regarding nonpayment (e.g., you enlist a collection agency's help after three months of nonpayment).
- ▶ If your practice charges patients for missing appointments, don't forget to include that information in your payment policy. (Putting it on your appointment cards isn't a bad idea either.) In my opinion, patients should only be charged for missed appointments if they know about the potential for it in advance.



# Red Book

## ▶ What is it, what's in it?

- ▶ 64E-16: Biomedical Waste (print)
- ▶ Office Biomed Waste Plan
  - ▶ Training
  - ▶ Sharps Disposal
  - ▶ Recordkeeping
  - ▶ Sharps Contingency Plan
- ▶ Infectious Disease Plan / Training
  - ▶ Hepatitis B Vaccination
  - ▶ [OSHA Hepatitis Fact Sheet](#)
  - ▶ Needle Stick Response Plan
- ▶ OSHA Hazard Communication Plan
  - ▶ Written Plan / Training
  - ▶ Safety Data Sheets (SDS)
  - ▶ Fire Prevention Plan (FPP)

## ▶ True / False -

- ▶ OSHA Standards do not apply to workplaces with less than 10 full-time employee
- ▶ **False:** If your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep OSHA injury and illness records
- ▶ However, all employers covered by the OSH Act must report to OSHA any work-related incident that results in a fatality, the in-patient hospitalization of one or more employees, an employee amputation, or an employee loss of an eye.

# Safety Data Sheets

- ▶ Safety data sheets (SDS) are detailed information bulletins prepared by the manufacturer or importer of chemical that describes the:
  - ▶ physical and chemical properties, physical and health hazards,
  - ▶ routes of exposure, precautions for safe handling and use, emergency and first-aid procedures, and control measures.
- ▶ Information on safety data sheets aid in the selection of safe products,
- ▶ Helps prepare employers and employees to respond effectively to daily exposure situations as well as to emergency situations.
- ▶ Example: [Safety Data Sheet 70% Alcohol](#)
  
- ▶ <https://www.osha.gov/sites/default/files/publications/OSHA3514.pdf>

# Council of Colleges of Acupuncture and Herbal Medicine (CCAHM)

- ▶ [Infection Control Documentation for you Clinic](#)
- ▶ [CCAOM - Acupuncture Clinic Infection Control Advisory](#)

## OSHA - 29 CFR 1910 Subpart E. (Reference page)

### Exit Routes and Emergency Planning: 910.38 Emergency action plans

- (a) Application. - An employer must have an emergency action plan whenever an OSHA standard in this part requires one. The requirements in this section apply to each such emergency action plan.
- (b) Written and oral emergency action plans. - An emergency action plan must be in writing, kept in the workplace, and available to employees for review. **However, an employer with 10 or fewer employees may communicate the plan orally to employees.**
- (c) Minimum elements of an emergency action plan. - An emergency action plan must include at a minimum:
- (1) Procedures for reporting a fire or other emergency;
  - (2) Procedures for emergency evacuation, including type of evacuation and exit route assignments;

<https://www.osha.gov/sites/default/files/publications/osha2254.pdf>



# Fire Prevention Plan

- ▶ Schematic drawing of your office with emergency exit route identified
- ▶ Training to identify flammable substances and use of flame in your office
  - ▶ Fire cupping
  - ▶ Moxa
  - ▶ Incense
  - ▶ Other open flame situations
    - ▶ Some or none
- ▶ Notice FIRE reporting policy
- ▶ Exit plan for staff and patients
- ▶ Contingency Plan for records and assets

# Retail Dietary Supplement & Herbs Sales

- ▶ Florida Dept of Agriculture regulates retail sale of foods, herbs, supplements and CBD products in the State under F.S. 500.12
  - ▶ If your office sells/provides these products to patients be aware of the following:
    - ▶ 500.12 Food permits; building permits.—
    - ▶ (1)(a) A food permit from the department is required of any person who operates a food establishment or retail food store, except:
      - ▶ 1. Persons operating minor food outlets that sell food that is:
        - ▶ commercially prepackaged,
        - ▶ not potentially hazardous,
        - ▶ and not time or temperature controlled for safety,
        - ▶ if the shelf space [in a common office area] for those items does not exceed 12 total linear feet and no other food is sold by the minor food outlet.
- ▶ Permit fee not to exceed \$400 annually
- ▶ [Florida Dept Agriculture - Food Permits](#)

# Retail CBD Sales in Florida

- ▶ CBD and Hemp are legal to both cultivate and consume in the state of Florida for anyone over the age of 18 so long as the product contains less than 0.3% THC content.
- ▶ While no licensing is required to consume hemp products **in Florida, licensing is required for those who wish to be grow and/or sell hemp products**.
- ▶ Processing, manufacturing, distributing, and retailing of **ingestible and inhalable CBD products all require a Hemp Food Establishment Permit**. It is one application for all four. After applying, you will be contacted to set up your inspection.
- ▶ Permit fees. Food Establishment Permit Fees for Hemp Food Establishments are \$650 annually

# Agency of Health Care Administration (AHCA)

- ▶ WHAT IS AHCA IN FLORIDA?
- ▶ The Agency for Healthcare Administration (AHCA) is Florida's primary health care agency.
- ▶ Managing the Florida Medicaid budget
- ▶ Licensing and regulating over 48,000 health care facilities
- ▶ Sharing health care data through the Florida Center for Health Information and Policy Analysis
- ▶ Per their website, AHCA aims to: “reduce the number of uninsured across the state, to enhance our ability to target fraudulent providers, to reduce unnecessary regulation, and to reduce administrative costs in order to ensure that dollars go to serve patients and more.”

# AHCA: Health Care Clinic Exemption

- ▶ Obtaining a certificate of exemption is voluntary, but some insurance programs and companies require offices to provide a copy of this certificate as part of provider applications and/or reimbursement.
- ▶ Under current law, the certificate is \$100.00 and valid for two (2) years.
- ▶ Apply here: ref: F.S. Chapter 400.9905(4)(g)
- ▶ [AHCA Health Care Clinic Exemption Application](#)

# What about insurance credentialing??

- ▶ Start with completing a **CAQH profile**....
- ▶ **Available at no cost to you**, CAQH ProView eliminates duplicative paperwork with organizations that require your professional and practice information for claims administration, credentialing, directory services, and more.
- ▶ **This process helps** reduce inquiries for your administrative information and saves even more time by keeping your CAQH ProView profile complete and up-to-date. Ensure that the healthcare organizations you authorize have instant access to accurate, timely information.
  - ▶ **Proview-CAQH Create Account**
- ▶ OPTUM Health Care Solutions - VA CCN / United Health Care & more
  - ▶ **MyOptumHealthPhysicalHealth.com/FAQ**

# Vendor Development

- ▶ Your business/patients depends on you developing relationships with vendors suppliers and service provides that help support your clinic's needs and goals.
- ▶ These are:
  - ▶ Liability Insurance - General & Professional
  - ▶ Compliance - HIPAA Privacy & Security Rule (encryption and cybersecurity)
  - ▶ Property Owner/Manager
  - ▶ City - Utilities & Cable
  - ▶ Sharps management
  - ▶ Insurance Claims processing
  - ▶ Instrument, products and herb suppliers
  - ▶ Software: EMR, Website SEO-Advertising (Paid and unpaid)
  - ▶ Office cleaning - pest control

# Bookkeeping vs. Accounting

- ▶ Data matters
- ▶ Some people find discussing business and finances offensive or “off-putting”
  - ▶ They want health care to be about care - and not \$\$\$
    - ▶ But income and outcomes are not mutually exclusive
      - ▶ Meaning you can achieve both and these are definitely interdependent
      - ▶ The more good you do, the more good you can do!!!!
  - ▶ It’s incredibly difficult to know if you are making or losing money if you do not have a system in place that measures your income and expenses.
    - ▶ Simply said - if you do not think that creating a profit & loss statement is necessary to evaluate your clinic/practice performance then, please DO NOT proceed as a self-employed person....go find a JOB working for someone willing to pay you for your patient-care and effort.



# Bookkeeping vs. Accounting

- ▶ Bookkeeping is your score-keeper
  - ▶ I earned \$4000 last month and spent \$3000
  - ▶ Great, my business made more than it spent, but how much did I make???
    - ▶ I have to pay my rent, car, insurance, food, life, household, other .....
    - ▶ Is my total income paid by the business? (part time elsewhere or not?)
    - ▶ Is my health insurance paid by the business? (or fully subsidized)
    - ▶ Am I repaying my student loan
    - ▶ Is my retirement contribution paid by the company (SEP - IRA, Roth,)?
    - ▶ Are my state and federal taxes paid by the company?
    - ▶ Are my Social Security and FICA taxes paid by the company?
  - ▶ Am I making money but losing ground financially....

# Bookkeeping vs. Accounting

- ▶ Bookkeeper is your score-keeper
  - ▶ P&L statement - well organized and tells you how much income you experience monthly/quarterly and exactly where the money went....about \$50-75 month for that data
- ▶ **Accountant** is responsible for minimizing the amount of taxes paid by self-employed persons and corporations.
  - ▶ This is the person you pay to advise you on strategies to make investments in your company and elsewhere that reduce your yearly tax expense....about \$600/\$800 yr

# Financial Planner

- ▶ Before you open a clinic or proceed in business, PLEASE create a relationship with a financial and retirement planner....
  - ▶ If you are 22 or 52 you NEED to know what %%% of every dollar you earn contributes to your financial security and retirement.
  - ▶ TO Avoid or Ignore this is grave malpractice .....and malfeasance
    - ▶ You need to plan, understand and know...every time you apply your skill and training to solve a patient's health concern, my financial planner is investing in the financial security and wellbeing of me and my family...
    - ▶ For every \$100, the clinic generates \$3, \$5, \$10 is invested for retirement and security
- ▶ You need to plan and assure that this is a planned expense with the same priority as Spectrum, Duke, WM, AAC, Llasa, and the rent....pay yourself and plan for the future.....first and foremost.....you're doing the work....

# Attorney

- ▶ 1. To Form a New Entity
  - ▶ (Probably not)
- ▶ 2. For Lawsuits Against Your Business
  - ▶ (Unlikely - and malpractice provides)
- ▶ 3. For Tax Compliance
  - ▶ (That's what your Account is for)
- ▶ 4. For Legal Issues With Employees
  - ▶ (Not with good communication)
- ▶ 5. For Mergers & Acquisitions
  - ▶ (unlikely)
- ▶ 6. To Help Manage Risk
  - ▶ (This is what lawyers are really good for) **Letters & Demands**
    - ▶ When weird stuff happens - you need to know what the law allows and prohibits.

My Next BBB class will be on ....

- ▶ How much should I charge and why???
- ▶ Understanding your personal and business expenses is needed before you can determine your service fees...
- ▶ Let me help break it down for you....
- ▶ Watch for the date in February...Thx