

WINTER 2021 EDITION

FSOMA JOURNAL

A Publication of the
Florida State Oriental Medical Association
www.FSOMA.org



Contents

- 3 From the Editor
- 5 President's Report
- 6 Is it Tax Deductible?
- 7 Your 2022 FSOMA Board of Directors
- 8 2022 FSOMA BOD Activities
- 12 ICD-10 Low Back Pain Coding
- 15 ASA Insurance Committee Report
- 16 Report on FL Legislative COVID Mandate Sessions
- 18 AcuCongress Virtual Fly-In Report
- 20 Upcoming Events
- 21 CMS Form 1490S – Fact Checking
- 22 Member Benefits
- 24 Affiliates

WHY KPC?



Family business with 5 generations of experience in the industry



TGA PIC/s, FDA and TAG Certified



Forefront of testing methodology



ISO-Certified



cGMP-Certified



Kosher and Halal Certified*

*Does not apply to all products or product lines.

714.790.1436 | WWW.KPC.COM

Editor's Note

BY SARA M. ALLEN, AP, DIPL OM, FABORM

It's renewal time for my FSOMA membership. And I think it's some of the best money I spend for myself and my practice. One of the things I enjoy most as a FSOMA member is the community we share. In Western medicine, there are many publications, clinical trials, and information sharing. And for many of us, FSOMA helps fulfill that need not only for sharing information, but also by providing strategies and tactics to serve our patients and supporting one another in our profession.

The Building Better Business and FSOMA News series of free Zoom webinars have been amazing. During the beginning of the pandemic, I found the webinars on COVID protocols were invaluable. When I was ready to open up my clinic again, I had thoughtful approaches to prevent COVID transmission in my clinic and the paperwork to prove it. I appreciated the webinars on HIPAA compliance with Marla Moss and used her advice to make my documentation, website, and patient communication above reproach. I have used marketing tips from Michelle Grasek to reach more patients. And when I miss an "episode," I often hop onto YouTube or Facebook to watch the replays on a wide variety of topics such as student loan debt, insurance billing, ADA compliance, legislation affecting acupuncture, and so much more...

It was wonderful to be back in-person this year for the FSOMA conference. It had been too long since I had opportunities to connect with colleagues and old friends. I always enjoy learning from the "experts" on pertinent topics for my practice or just things on my love-to-learn list. There were so many great classes this year, and I have already applied many new information "nuggets" to my treatments. It was also awesome to be back in-person with vendors. In the past, the conferences have been a way for me to discover new products and get once-a-year discounts on products I already love. And of course, one of the most interesting sessions was our annual meeting, where we heard about the achievements and possibilities before us as a profession and for future legislation. To top it off, I collected CEU's toward my license and NCCAOM renewal.

There are so many online benefits on the FSOMA website. The online FSOMA forums have been great ways to connect with others. Whether it's hearing about employment opportunities



BOARD OF DIRECTORS

EXECUTIVE COMMITTEE

David Bibbey AP
President

Gretchen Lorenson AP
Vice President

Rafael Perez AP
Treasurer

Joshuah Jackson AP
Secretary

DIRECTORS

Theresa Gilmore AP

Damita Hartz AP

Sarina Hrubesch AP

Dan Litwin AP

Steven Rhodes AP

Galina Roofener AP

Dickie Walls AP

Yue Wang AP

OFFICE

Ellen Teeter AP
Executive Director

Natalia Morrison AP
Communications

Sara Allen AP, FABORM
Editor

Editor's Note

BY SARA M. ALLEN, AP, DIPL OM, FABORM

or picking each other's brains over insurance or COVID issues, I value each and everyone's input adding to the greater community. There are ads for CEU courses, discount opportunities afforded us through our membership and so much more. And when I renew my license, I am always thankful for the CE Broker membership through FSOMA which makes it seamless.

Probably the most important benefit as a member of FSOMA is the sense I have that we are all in "this" together. Even though we have our own practices, specialties, differing opinions and methods, we are here to support each other, root for one another, and stand together when times get tough or when we need to accomplish something bigger than ourselves. And it is a privilege to be on this planet, doing this medicine, at the same time with all of you.

For years, I have been wondering how I could get more involved, to make a bigger investment of my resources and time into this community which gives so much. I have a background in writing and ghost writing, editing and publication, so when I discovered the FSOMA Journal needed an editor, I was happy to find my place here.

I encourage each of you to find your place in the FSOMA community. Not all of us can be board members, but we can all contribute. With the potential new legislation, each and every one of us must be boots-on-the-ground trying to forward our medicine so that the generations that follow will have options for healthcare. Maybe you have a background or expertise in something that could be really helpful to FSOMA and its members. Maybe you have the gift of time or resources to give. Or maybe your big contribution is simply participation in the Community. Whatever your place, whatever your contribution, know that it's important. If pandemic quarantines have taught us nothing else, it's that we are NOT better alone.

Sara M. Allen AP DIPL OM. FABORM
FSOMA Journal Editor



President's Report

BY DAVID BIBBEY, A.P

FSOMA has had an outstanding year in 2021; and the Association's Executive Team and Directors have been hard at work delivering for our members. The Association leadership is committed to finding innovative ways to support and connect with acupuncturists and students throughout Florida. FSOMA's directors hosted its 2022 Strategic Planning Event in November. We identified the priorities and projects needed to help the Association fulfill its mission and purpose. See the report below.

As we say goodbye to 2021, FSOMA is also saying farewell to two amazing directors who are transitioning away from the Board to embrace new leadership roles within the profession.

Dr. Hongjian He has been elected to a Board position at the American Society of Acupuncture (ASA) and will be contributing to the profession's national strategy to expand opportunities and access for acupuncture. She is a legendary figure whose advocacy and leadership within the Florida profession date back more than 30 years. An experienced and skillful legislative planner, her passion and skill will be greatly missed. I am certain Dr. He will continue to contribute mightily to the advancement of acupuncture practice.

Dr. Jennifer Broadwell, FSOMA Vice President, Advocacy Chair and ASA Florida Delegate has relocated to Tennessee. Her leadership, optimism and compassion have been vital to the Association and its Board. Dr. Broadwell's contributions are too many to count, and all will be greatly missed. Jennifer is the architect of FSOMA's Professional Advocacy and Legislative Outreach/Communication Program. No person has done more in the past 20 years to assemble the data and tools acupuncturists need to advocate for themselves and their patients. Dr. Broadwell will remain active with the ASA and national projects designed to empower and strengthen the acupuncture and TCM herbal profession.

FSOMA's Strategic Planning Event is an annual effort undertaken by the Executive Team and Board of Directors to identify priorities and projects that specifically support Florida acupuncturists and students. The Association Leadership listens to the feedback and suggestions from the membership to plan training and education programs designed to help practitioners and students excel personally and professionally. By focusing on and addressing members' needs, FSOMA is able to help members and students meet and exceed their goals, and create more stability and certainty in their day-to-day efforts.

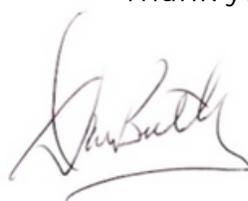
The life-force of the Association is sourced from Florida's acupuncture profession and student interns. Colleagues and future providers contribute tremendous talent, passion and creativity year-after-year. In 2021, FSOMA's number of elected and seated volunteer directors is at its highest in about a decade. The Executive Team and Directors cannot wait to get started working with its new directors and planning for 2022 and beyond.

President's Report continued ...

Much of the work that FSOMA does on behalf of the profession and Floridians is done through committee work. Committees are led by an appointed chairperson and focus on specific issues like Membership, Advocacy, Legislative, Wellness, and Insurance.

Any FSOMA member is welcome to participate on a committee and this typically involves attending Zoom a meeting 4-5x year to plan and share ideas. This is an easy and informal way for FSOMA members to support the profession and learn more about how the Association works on behalf of providers and students. Everyone is welcome to share and participate – please remember that FSOMA is as strong as the support it gets from members like you.

Thank you,



David Bibbey, L.Ac
FSOMA, President



Is It Tax Deductible Business Expense?

Members' Financial Contributions to FSOMA Special Funds

FSOMA has four (4) Special Funds that are supported by its Membership

- 1. Forward Fund: Fully deductible business expense – YES:** This is a special purpose fund established by FSOMA to pay for projects that involve advancing the image and utilization of Acupuncture and Oriental Medicine (AOM). Forward Fund projects include Acupuncture Education Day, staffing an exhibit booth at the Worker's Compensation Institute Conference, coalition building, meetings, advertising, special functions, creation and mailing of special literature or documents, etc. Your contributions and the funds generated at the FSOMA Conference Silent Auction support this work.
- 2. Legal Defense Fund: Fully deductible business expense – YES:** This special purpose fund was created by FSOMA to cover legal expenses for issues that threaten the practice of Acupuncture and Oriental Medicine (AOM) in Florida. Utilized for legal consultations, opinions, and actions to defend AOM practice in the State. Recent examples include legal representation to update State Municipal Codes to accurately classify acupuncture services under "healthcare services."
- 3. Florida Health Alliance: NOT a deductible business expense – NO:** This is the FSOMA Political Action Committee (PAC) established to raise and distribute funds to advocate for FSOMA's political goals.
- 4. Lynn Thames Leadership Scholarship Fund: NOT a deductible business expense – NO:** This fund was established by FSOMA in honor of Lynn Thames' service to the profession and love of her students. The fund provides annual scholarship opportunities for Florida AOM students.

FSOMA does not provide accounting/tax preparation professional advice. The info provided here-in is NOT professional advice. Please consult a tax preparation expert for specific advice on claiming business expense deductions and tax document preparation.

YOUR 2022 FSOMA BOARD



David Bibbey
President



Gretchen Lorenson
Vice-President



Rafael Perez
Treasurer



Joshua Jackson
Secretary



Theresa Gilmore
Director



Damita Hartz
Director



Sarina Hrubesch
Director



Dan Litwin
Director



Steven Rhodes
Director



Galina Roofener
Director



Dickie Walls
Director



Yue Wang
Director

YOUR 2021 FSOMA OFFICE



Ellen Teeter
Executive Director



Natalia Morrison
Communications Director

FSOMA MEMBERS ARE COMMITTED TO IMPROVING THE HEALTH AND WELLBEING OF FLORIDIANS BY ADVANCING THE PRACTICE OF ORIENTAL MEDICINE AND ACUPUNCTURE.

BY ELLEN TEETER, A.P, FSOMA EXECUTIVE DIRECTOR

Your newly elected FSOMA Board of Directors spent a weekend in November following their passion for our profession and making plans for 2022.

Advocacy, now led by Dan Litwin, already has the Worker's Compensation Institute (WCI) Conference and Acupuncture Education Day on their agenda. Now they've added a pilot project to explore offering acupuncture treatments at the Department of Health in Pinellas County.



Theresa Gilmore, Dickie Walls, and Sandra Kahn staffed the booth at the WCI Conference this year educating Worker's Compensation professionals about the power of acupuncture to relieve pain...and more!

They spent 2 days giving mini-treatments and talking with conference attendees from all over the US, including 1800 attendees from Florida.

If you are interested in the Worker's Comp (WC) Sandra Kahn recommends that practitioners contact the Human Resources department or Risk Management department at the city/county level (i.e. police, fire department, school district).

First, the practitioner will make the departments aware of their availability for WC services, Also, these departments can refer the practitioner to their WC insurance carrier to facilitate treatments. When contacting the insurance carrier, practitioners should verify that acupuncture treatments are covered and ask to be placed on their preferred provider list.

February 22, 2022 - "Save the Date" for AcuEd Day. We will be back live in Tallahassee setting up an AOM Health Fair on the 3rd floor of the Capitol Rotunda and visiting legislators.



If you are interested in attending, contact Ellen at director@fsoma.org.

Your Legislative Committee led by Yue Wang and David Bibbey is working on amending the Florida Medicaid system to add coverage for acupuncture to the state-managed plans. Currently, the insurance-managed plans do cover acupuncture, but the State of Florida Medicaid plans do not. David Bibbey met with Senator Bean of Jacksonville last week to initiate that campaign. Look for talking points coming soon.

Your Membership Committee is being led by Sarina Hrubesch with Dickie Walls heading the Student/School Sub Committee. Theresa Gilmore, Galina Roofener, Steven Rhodes join in to support this very important committee. You should have just received a survey asking about your interest in participating in a **Group Health Insurance plan**. Please take the survey. *More on that coming very soon.*

Did you know you have access to Short Term Disability plans from Colonial Life that are usually only available through employers? Dental PPO, Accident Plan, Short Term Disability, Critical Illness, Cancer Plans are available on this plan. You can also save on a Long-Term Disability plan with Mutual of Omaha. Check out your [Member Benefits](#) page for more money-saving benefits and features of your membership.

Your Conference Committee, headed by Gretchen Lorenson, met with the CEU Committee, chaired by Joshua Jackson, to choose speakers for 2022 FSOMACon. Look for that information coming soon – **Save the Date, August 19-21, 2022**; we will be at the Wyndham Grand Hotel at Bonnet Creek, Orlando.



FSOMA CONFERENCE

Learn · Connect · Grow

Wyndham Grand Orlando Resort Bonnet Creek, Florida

Your CEU Committee has been busy planning more classes for you. Here's a rundown.



Live Webinar

SAFETY PRINCIPLES IN COSMETIC ACUPUNCTURE

Michelle Gellis AP LAc

**JANUARY 12, 2022
7:00 PM ET**

1 CEU AVAILABLE
FREE FOR FSOMA MEMBERS

UNDERSTANDING E.D. IN THE TREATMENT ROOM

With Lisa Lapwing AP

Jan 22, 2022 12-4:30pm

[Click Here to Register](#)



To provide a basic understanding of Erectile Dysfunction as it commonly presents and to offer common point prescriptions to treat it effectively.



CONSTITUTIONAL FACIAL ACUPUNCTURE ARCHETYPES

Course purpose:

To become more knowledgeable in facial acupuncture, as well as in the usage of constitutional motors and trigger points

18-22 March 2022

**THE WESTIN
FORT LAUDERDALE
RESORT, FL**



Ellen Teeter, AP has served as the FSOMA Executive Director since 2015. Prior to that she served as President and other positions on the Board of Directors since 2004. She has practiced acupuncture in Florida since 1999.



Also, in May we are working on a class with the 5 Element School in Gainesville, bringing Brendan Kelly to speak on Lyme Disease. *More on that coming soon*

Your Wellbeing Committee continues to be chaired by Damita Hartz. They are working on adding more resources to your fsoma.org/wellbeing webpage.

Galina Roofener is your new ASA representative, joining Joshua Jackson to represent FSOMA at the national level. She is working on Membership and CEU Committees.



FOLLOW US



***The entire FSOMA
Board and Staff wish
you a Merry and Bright
Holiday Season.***

FORWARD FUND



Created to fund projects that are engaged in advancing the image and utilization of Acupuncture and Traditional Asian Medicine. This special purpose fund was established by the FSOMA Board.

The main goal is to be able to finance, enhance, and add towards actions at educating Florida citizens, lawmakers, employers, and insurance companies on the value and benefits of Traditional Asian Medicine and Acupuncture.

The Forward Fund is a special bank account, set up and reserved for special projects. These special projects, as created by the Board of Directors, include such things as:

- Acupuncture Education Day
- Exhibiting at the Worker's Compensation Institute Conference
- Lobbying
- Coalition building
- And much more ...

Within the last year, the Forward Fund has funded:

1. The booth for 2021 WCI which will be held in Dec 2021.
<https://www.wci360.com/>
2. Political donation of \$11,500 to legislators in order to connect more strongly

The funds generated at the FSOMA Conference Silent Auction support this work.

2021 FSOMACON Silent Auction raised \$3,555.50

Donate

1. Visit www.fsoma.org/forward-fund
 - Allows you to set up a monthly donation
2. Send a check made payable to:

FSOMA
PO Box 10066
Bradenton, FL 3428

Levels of Support	
Wei	\$5 – \$100
Qi	\$101 – \$250
Blood	\$251 – \$499
Jing	\$500 – \$999
Double Jing	\$1000+



ICD-10 UPDATE LOW BACK PAIN FOR THE ACUPUNCTURE PROVIDER

By Samuel Collins

Updates to ICD 10 Coding

What do the updates for the new codes for lower back pain mean and what are the best practices used for the new codes?

Every October 1st, there are updates to the ICD 10 coding system.

The following are changes for 2022, technically effective 10-1-2021:

- For low back pain, M54.5 was deleted with the addition of 3 new codes
- M54.50 Unspecified low back pain
- M54.51 Vertebrogenic low back pain
- M54.59 Other low back pain

Back pain generally has these approximate synonyms :

- Acute low back pain
- Chronic low back pain
- Low back pain in pregnancy
- Low back pain without radiculopathy

These indicate a broad spectrum of the symptomatology of back pain. But what do these new codes reference?

M54.50 Low back pain, unspecified, in simplest terms means there is back pain, but no specific causation or reason is identified. This code is most likely to be used by acupuncture

providers because it is not attempting to define based on a western nomenclature, and it avoids an issue of using a differential or western diagnosis by simply defining the pain.

M54.51 Vertebrogenic back pain is to identify pain that is related to the vertebra or the spine. It is intended to identify vertebral endplate pain. While this may not be diagnosed by an acupuncture provider, it may be included if documented by a referring or other provider.

Note: this code is not intended to be used when a more specific code is appropriate such as a lumbar or lumbosacral sprain, strain, radiculopathy, etc... which can be used for a more specified identification.

M54.59 is for "other low back pain" and would be used in instances where the specific cause can be identified but otherwise has no specific code. Unlike codes that state unspecified, this code means that the origin of the pain can be specified. For example, internal or visceral causation like a kidney stone that is causing back pain would be an appropriate use, as well as pregnancy-related back pain or facet syndrome which otherwise have no specific code.

Important note: Medicare has indicated the 2 codes for low back pain related to acupuncture services

are going to be M54.51 or M54.59. There is no indication from Medicare why only those 2 codes were chosen, but be sure for Medicare, M54.50 will be denied for acupuncture. I believe choices related to the need for chronic lower pain which would be “other” and endplate pain which too would be chronic.

There is also an additional, less-publicized-but-equally-important covered diagnosis for acupuncture. The new code G44.86 is specifically for cervicogenic headache. This code represents a further identification of the types of headaches now specifying cervicogenic as an origin or cause. Note: there are multiple codes for headaches, including specific diagnoses such as migraine, tension, traumatic, vascular, cluster, etc...

Cervicogenic relates a pain that develops in the neck, though a person feels the pain in their head. Cervicogenic headaches are secondary headaches, meaning there is specific underlying causation from the neck and may include muscle tension.

These updated codes became effective on October 1, 2021. Therefore, any date of service on or after that date must use the new codes. Dates of service before October 1, 2021, would require the older versions, although it is unlikely practitioners are billing that far back.

In ICD10, there are now 72,748 codes for 2022 with 159 new codes, 32 deleted codes, and 59 that were revised. This article limits focus to relevant codes for acupuncture providers.

These updates are courtesy of Samuel Collins the Acupuncture Billing Expert from The American Acupuncture Council Network and Seminars. Sam is an internationally recognized expert on acupuncture coding and billing and is part of the WHO ICD11 Diagnosis Traditional Medicine Reference Group as well as a member of the Optum Health Reimbursement and Coding Committee.

For more information on the seminars and one-on-one counseling services offered by the American Acupuncture Council Network see this link or call 800 562-3335
<https://www.aacinfonetwork.com/>

INSURANCE COMMITTEE REPORT: ASA NEWSLETTER

By ASA Committee Chair, Mori West

FSOMA participates in the ASA insurance committee through Board Member Joshua Jackson. We are aware of major issues with insurance compensation. Our profession is not alone in being under-compensated by insurance companies. It is an ongoing effort to move the needle the other way on compensation for our training and expertise.

[Reprinted with permission from ASA Newsletter](#)

We want to acknowledge Aetna and their commitment to include acupuncture as a standard benefit for their commercial plans starting in 2022. Furthermore, we are also much appreciative of them updating their Acupuncture Clinical Policy to include the updated ICD10 codes for chronic low back pain. While they were not scheduled to update their policy until next year, on October 28, their policy was updated and reflects the new codes.

We hope to continue to dialogue with Aetna in the future and appreciate them reaching out to our committee so we can share the great news about their standard benefit for chronic low back pain for all commercial plans, so spread the word!

The fallout from the CMS acupuncture policy continues with secondary claims. We are seeing denials for BCBS secondary claims with acupuncture reimbursement

when billing for cLBP. Carriers are expecting the claims to contain the NPI number of the supervising MD.

Due to this and other issues on October 20, we reached out via email and registered mail to David Dolan and Dr. Susan Miller (the contacts at CMS regarding the policy). We asked the following questions -

- What is the supervision requirement? The policy states “appropriate”, is that general, direct or personal?

(ASH Medicare Advantage plans are interpreting general as appropriate, while attorneys we have spoken with have stated the supervision should be direct)

- The policy states “up to 12 visits in 90 days with 8 more based on medical necessity” Does that mean the patient must wait 90 days from their first visit to utilize the additional 8?

(ASH is interpreting the patient MUST wait until the 91st day)

- What is CMS policy for patients previously treated for say 6 visits with no improvement. Is a second new provider able to use the remaining 6?
- Is form 1490S the proper form for patients to get reimbursed for chronic low back pain supplied by a licensed acupuncturist who

meets CMS requirements but doesn't have an MD supervision treatment?

As of this writing, we have not heard back.

We've been notified by WISCA and ASM (MA) that they are seeing reductions of BCBS rates as of May. Prior to these reductions their network reimbursements closely matched CMS rates, now many have dropped to 25% BELOW CMS rates. We gathered EOBs but could not determine what if any link to CMS rates. At this point we feel the associations should reach out to their local representative and ask for the formula and background documentation regarding these reductions.

While working with Aetna, they were able to update their acupuncture policy bulletin on 10/29.

On September 28, we sent a letter to Steve Miller, Chief Clinical Officer at Cigna requesting they update their policy as it still shows the deleted code M54.5 and they are not set to review their acupuncture policy until April 15, 2022! As of this writing they have not acknowledged our letter or updated their policy.

TriWest has reached out to us both via phone and email regarding incorrectly processed claims. Their claims processor (PGBA) began processing acupuncture claims at 85% of CMS rates. TriWest states they

were not aware, however, PGBA has been the processor for Optum, the other VA contractor with NO issues. TriWest wanted to assure us that all claims will be reprocessed and moving forward they will be processed correctly. Finally, on October 21, Medicare updated their ICD10 codes for cLBP. While they deleted M54.5, they are excluding M54.50 (unspecified LBP). They are allowing M54.51 (vertebrogenic low back pain) and M54.59. (other low back pain).



Mori West, the owner of ACUCLAIMS began billing over 25 years ago. She is a featured speaker at many Acupuncture Colleges across the country. Since Acuclaims bills for providers nationwide she is able to impart up to date information information that comes from submitting thousands of claims per month for providers all across the country. In addition to chiropractic, I have also utilized acupuncture and herbs since I was a teenager. I am grateful to work with acupuncturists I consider true healers and it amazes me that in this era with ever increasing insurance benefits for acupuncture there are still practitioners that shy away from insurance."

2021 SPECIAL SESSION LEGISLATION RELATING TO COVID-19 MANDATES

By Dr. Toni Krehel, AP

In a special legislative session convened in November, the Florida Legislature passed four bills regarding medical freedom relating to COVID-19

Summary of Enacted Legislation Relating to Mandates:

Enrolled HB7B – Chapter No. 2021-275
– Vaccinations During Public Health Emergencies

- *Removes authority of State Health Officer to order vaccination of individuals upon declaration of public health emergency*

Enrolled HB1B – Chapter No. 2021-272
– COVID-19 Mandates

- *Prohibits private employers from imposing COVID-19 vaccination mandates unless employer provides for exemptions;*
- *Prohibits educational institutions & governmental entities from imposing COVID-19 vaccination mandates for students and employees;*
- *Declares null & void any ordinance, rule, or policy that imposes mandates;*
- *Authorizes terminated employees to file a complaint with Department of Legal Affairs & specifies eligibility for reemployment assistance & worker's compensation for vaccine injury pursuant to a company policy;*

- *Requires imposition of fines on employers for violations;*
- *Provides students right of action to obtain declaratory judgment & injunctive relief for violations;*
- *Prohibits mandating facial coverings or restricting certain activities for students based on quarantine policies*

Enrolled HB5B – Chapter No. 2021-274
– Florida Occupational Safety & Health State Plan

- *Directs the State to develop a proposal and plan to assert state jurisdiction over OSHA regulations for government & private employees (Note: The Fifth Court of Appeals has, as of November 15, permanently blocked OSHA from implementing and enforcing its vaccine rule requiring employers with 100 or more employees to mandate vaccines or conduct weekly COVID tests)*

The new laws do not actually prohibit employer mandates. Florida citizens have the right to refuse employer mandates for COVID-19 vaccines without threat of losing their jobs. However, it grants private employers the legal authority to mandate vaccines IF they provide exemptions. An employee may opt out of the mandate on the basis of medical reasons, including prior infection & COVID-19 immunity, periodic testing, pregnancy or anticipated pregnancy, and religious or moral/ethical reasons. In order to “opt out” of the

mandate, employees are required to obtain, complete and submit specific forms provided by the Department of Health and signed by appropriate officials.

Exemption Information:

There are six opt-out forms provided by the Department of Health (DOH) for exemption from COVID-19 employer mandates: Florida Department of Health (floridahealth.gov)

- Medical Exemption: requires signature from a physician, PA or APN
- Pregnancy Exemption: requires signature from a physician, PA or APN
- Religious Exemption: (includes moral and ethical objections)
- Prior Infection COVID-19 Immunity Exemption: attach either (1) positive antibody test, or (2) a positive PCR test from COVID-19 infection
- Periodic Testing Option: employee chooses to comply with regular periodic diagnostic testing for COVID-19 no more than once weekly or when symptomatic, at employer's cost
- PPE Option: - employee chooses to comply with employer's requirement to wear employer-provided personal protective equipment (PPE) when in the presence of other employees or other persons

Dr. Toni Krehel, AP is in private practice in Jacksonville since 1997. Dr. Krehel is a member of the Holistic Pediatric Association, Physicians for Informed Consent, Florida State Oriental Medical Association, Health Freedom Florida, and a Florida Director for the National Vaccination Information Center (NVIC) since 2001. NVIC is a non-profit organization dedicated to preventing vaccine injuries and deaths through public education and advocating for informed consent protections in medical policies and public health laws. NVIC defends the human right to freedom of thought and conscience and supports the inclusion of flexible medical, religious and conscientious belief exemptions in vaccine policies and laws.

References:

"Governor Ron DeSantis Announces Date of Special Session to Protect Florida Jobs." *News Releases, Ron DeSantis*. 29 October 2021. <https://www.flgov.com/2021/10/29/governor-ron-desantis-announces-date-of-special-session-to-protect-florida-jobs/>

Saunders, Jim and Urban, Tom. "Special Session Ends with Legislators Approving a Plan to Block Vaccine Mandates." *Health News Florida WUSF Public Media*. 18 November 2021. <https://health.wusf.usf.edu/health-news-florida/2021-11-18/special-session-ends-with-legislators-approving-a-plan-to-block-vaccine-mandates>

Levin, Mintz (Employment, Labor & Benefits at Mintz Levin). "OSHA Vaccine Rule Blocked Permanently by Fifth Circuit, But Judicial Review Will Continue." *The National Law Review*. 26 November 2021. Volume XI, Number 330 <https://www.natlawreview.com/article/osha-vaccine-rule-blocked-permanently-fifth-circuit-judicial-review-will-continue>

COVID-19 Vaccine Exemption Forms: [Florida Department of Health \(floridahealth.gov\)](http://floridahealth.gov).

Links to COVID-19 legislation/laws:

[House Bill 5B \(2021B\) - The Florida Senate \(flsenate.gov\)](http://flsenate.gov).
[House Bill 1B \(2021B\) - The Florida Senate \(flsenate.gov\)](http://flsenate.gov).
[House Bill 7B \(2021B\) - The Florida Senate \(flsenate.gov\)](http://flsenate.gov).

ACUCONGRESS VIRTUAL FEDERAL FLY-IN REPORT

After months of training, 205 Acuvists took part in the inaugural AcuCongress Virtual Federal Fly-In and had an EXTRAORDINARY day! We heard you guys loud and clear: AcuCongress is **HERE TO STAY**. We will continue to train this industry so they can take part in ANY EFFORT by ANY ACUPUNCTURE ORGANIZATION who wants help in holding their own campaigns. Once we have analyzed all the data from our Acuvist Journals, we will put out a release with updated numbers and information.

What We Learned:

Training is Important and IMPERATIVE: Those who took part in the layered AcuCongress training that began October 5th, 2021 and showed up each week for training (ALL ACUCONGRESS TRAINING SESSIONS ARE DIFFERENT...THERE ARE NO REPEATED SESSIONS,) were more comfortable and felt more successful than those who had no training at all or only came to the final training session the night before the fly-in. Moving forward, anyone who participates in the AcuCongress Fly-Ins MUST receive training in order to speak during any meeting, hold the position of District Leader or State Captain. We do want everyone to be involved, but this is as specialized as the field you are already working in. **YOU MUST BE PROPERLY TRAINED.**

We learned, as well, the value of having a working environment like AcuCongress BaseCamp. It is no coincidence that this effort was one

of the largest the Acupuncture community has produced to date. The ability to communicate with each other, find valuable resources such as training videos, templates, legislative office information, and state-specific data cannot be overstated. This is a **TEAM** effort. AcuCongress BaseCamp is where we **WORK**, it is where we **COMMUNICATE**, and it is where we **SHINE!!**

We continue to analyze the data to determine how we can do this better. There is no such thing as a perfect fly-in, but we hope that soon, our formula will be one that can be employed with ease. Much like pursuing a career path or training for physical events, grassroots campaigns require training & conditioning, repeated processes, team encouragement, and a network of support. We will continue to hone our processes as we grow... **AND WE ARE CONTINUING TO GROW EVERY DAY!!** If you are the head of an association who is interested in joining this Coalition effort, please reach out to AcuCongress to see how your members can be trained (for free...TRAINING IS ALWAYS FREE) and receive deep discounts to AcuCongress future events.

By the Numbers:

- 205 Acuvists
- With Patients, AcuCongress put over 300 people into meetings with Legislators.
- 268 Congressional Offices Engaged With

- 70 Senate Offices
- 3 "Day-Of" Co-Sponsor Additions to HR 4803
- Dozens of Offices in Both Chambers Agreeing to Follow-Up with Legislator IN 2021
- Follow-Up Meetings Are Being Scheduled Between December 14, 2021-February 8, 2022

Congratulations to to ALL OF YOU! Your industry should be proud of the hard work and effort you all put in. Below we list all of the Congressional Offices we engaged with. As we move forward, if you would like to join this effort, please join us in AcuCongress Headquarters in BaseCamp to connect with us and get the process started for our next grassroots sustainable influence campaign.

ACUCONGRESS DESIGNATES FEB 1-8, 2022 FOR FIRST ROUND OF 2022 FOLLOW-UP OF FLY-IN EFFORT

AcuCongress will be holding follow-up and rescheduled appointments from Tuesday, February 1, 2022 until Tuesday, February 8, 2022. IF YOU PARTICIPATED IN THE ACUPUNCTURE VIRTUAL FEDERAL FLY-IN ON DECEMBER 8, 2021



AcuCongress



GET YOUR ARTICLE PUBLISHED IN THE FSOMA JOURNAL: WINTER EDITION

We are looking to showcase FSOMA Members, Thought Leaders and Experts within our profession for our 2021 Winter Edition.

Possible category submissions:

- Clinical based articles
- Your Business Success Stories
- Advocacy and Activism in our profession
- Research Articles

Article Submissions Deadline
November 15, 2021

www.fsoma.org/journal-article-submission

Lynn Thames Memorial STUDENT SCHOLARSHIP



UPCOMING EVENTS

BBB - Trademarking 101

January 10 2022 7pm-8pm

Safety Principles in Cosmetic Acupuncture

January 12, 2022 7pm-8pm

Session 1: Infertility

January 12, 2022 8pm-10pm

Understanding ED in the Treatment Room

January 22, 2022 12-4pm

Session 2: Intro to Infertility & TCM

February 15, 2022 8pm-10pm

Session 3: TCM Treatment Method

March 8, 2022 8pm-10pm

Constitutional Facial Acupuncture Archetypes - Live Event

March 18-20, 2022

Insurance Billing and Bulletproof Documentation for Acupuncturists

April 9-10 2022

Session 4: 4 Step Treatment Approach

April 12, 2022 8pm-10pm

Session 5: Clinical Cases & Discussion

May 10, 2022 8pm-10pm

Learn More: www.FSOMA.org/Calenar



The FSOMA Board of Directors has established the Lynn Thames Memorial Scholarship Fund for students of AOM in Florida.

We honor her service to our profession and the love she showed her students.

To donate to the Lynn Thames Memorial Scholarship Fund visit:

fsoma.org/lynn-thames-memorial-scholarship-fund



We encourage students every year, to submit their applications for this scholarship. Applications showcase and reflect the students role as emerging leaders in the profession of Oriental Medicine & Acupuncture.



LEGAL DEFENSE FUND



DONATE TODAY

HELP FSOMA DEFEND YOUR PROFESSION

[FSOMA.ORG/LEGAL-DEFENSE-FUND](https://fsoma.org/legal-defense-fund)

Together we are stronger!



CMS Form 1490S – What you need to know...Fact checking

FSOMA is aware of social media messaging that describes acupuncturists completing and providing a CMS Patient's Request for Medical Payment (Form 1490S) for patients who receive acupuncture services. The Association's Board has asked the Florida Health Care Law Firm to provide guidance and feedback on the question of acupuncturists accepting and treating patients insured under original Medicare and the appropriateness of using CMS Form 1490S.

The question presented to the attorneys is whether an acupuncturist may provide original Medicare patients with a CMS Form 1490S and a superbill for the purpose of allowing those patients to submit the Form 1490S directly to Medicare for acupuncture service fee reimbursements.

Below is the Attorney's Response:

For an acupuncture benefit to apply, Medicare specifies how the service needs to be delivered: under the supervision and "incident to a physician," physician assistant or nurse practitioner. So, the acupuncturist should give notice to the patient that he has reason to believe Medicare may not pay for the service if provided in a different manner.

While acupuncturists cannot bill original Medicare directly for services, there is an avenue available for them to be paid. A supervising provider may bill acupuncture services "incident to" physician care and receives 100% reimburse at the Medicare allowable amount. This is a special carve-out by Medicare to provide acupuncture services to Medicare beneficiaries for low back pain only. Until this changes, acupuncturists should [only] provide services "incident to" physician care and the billing provider should be the supervising practitioner.

Delivering the service contrary to the carve-out requirements set out by Medicare and leading the patient to believe that they will be reimbursed for the service is an intentional misrepresentation. Knowingly practicing contrary to the Medicare's requirements for this limited exception may be considered fraudulent which can expose the acupuncturist to licensure investigations by the Florida Department of Health and may be seen as knowingly deceiving the Medicare patient and collecting fees above the maximum allowed under Medicare.

FSOMA is hopeful that its members and other Acupuncturists find this information is helpful.

YOUR MEMBERSHIP BENEFITS



- Redwing Books - 10% off 
- Savings from FSOMA Business Members (listed on the website)
- Free & unlimited access to the FSOMA *Building Better Business, practice management webinars*
- Eligible for *group benefits* - policies covering short or long-term disability, accident plans, critical illness plans, a dental PPO, and access to Telehealth (without health insurance), and more.
- *Malpractice Insurance Discounts* on AAC & CM&F policies
- 10% off *Long Term Disability Plans* (Mutual of Omaha)
- *Financial Protection Savings* (dental, vision, accident, short term disability, critical illness, cancer)
- Free *CEBroker* Professional Account, with the ability to track multiple licenses
- Free 15 minute *business legal consultation*, and reduced rates on continued services.
- Free 15 minute *healthcare legal consultation*, and 20% discount on legal fees
- Exclusive pricing and discounts on all FSOMA hosted *courses & the Annual FSOMACon*
- *Business Help Desk* with support on Business and Insurance Billing questions
- *Exclusive FSOMA weekly E-News*: National & local legislative updates, job opportunities, and more
- *Free marketing*: 1 e-blast and 1 e-news advertisement per year in the FSOMA E-classifieds.
- Be listed on the "*Find an Acupuncturists*" search engine
- *Free Audio Courses* from FSOMA Conferences prior to 2014. (CEUs available at \$25/3 hours)
- *Office Depot Discount* Program saving you money on office supplies.
- *FSOMA Journal*, providing current information on legislation, case studies, and clinical articles.
- Free *Membership in the Acupuncture Society of America* (ASA)

www.fsoma.org/member-benefits



FSOMA Affiliates

Support YourFSOMA by visiting the url links below. When you make a purchase through the following links, FSOMA receives a small donation! Every penny counts and goes towards continuing to promote and protect our profession in Florida.

QR Scan Code
(scan with your cellphone camera to open the url link)



Acupuncture Websites Designed to Attract New Patients

<https://nqn86409.isrefer.com/go/acuprfttechafflink/fsoma/%20>



The future of insurance billing education & digital coding.

aacinfonetwork.com/



Continuing Education courses on integrating Traditional Chinese Herbal Medicine and Conventional Medicine

asiantherapies.org/academy



DHA Labs will take orders and run lab tests for APs in Florida. They have great support and good pricing.

fsoma.org/dha-affiliate-page



FDA registered company with the world's largest selection of heated natural gemstone therapy mats.

healthyline.com/?wpam_id=2607



Where Acupuncturists can find a large selection of online continuing education courses and educational resources

healthyseminars.com/productsa_aid=5654ca7f4bc5a



The global market and technology leader in concentrated herbal extracts

treasureoftheeast.com/?sca_ref=254429.Mv66VPEJdB



FORWARD FUND:

Promote advocacy projects
www.fsoma.org/foward-fund



LEGAL DEFENSE:

Protect our medicine
www.fsoma.org/legal-defense-fund



SCHOLARSHIP FUND:

Support Students currently enrolled in an AOM school
www.fsoma.org/lynn-thames-memorial-scholarship-fund



JOIN US:

www.fsoma.org/join



**Florida State Oriental
Medical Association**



WWW.FSOMA.ORG



941-404-3484



PO BOX 10066
BRANDENTON, FL 34282



SUPPORT@FSOMA.ORG