

Pearls for Academia: The Art of Negotiation and Review of Financials

Vivian Hernandez-Trujillo, MD
Medical Director, Division of Allergy/Immunology
Fellowship Program Director, Allergy and Immunology
Nicklaus Children's Hospital

Associate Clinical Professor of Pediatrics
Herbert Wertheim School of Medicine, Florida International University

Allergy and Immunology Care Center of South Florida

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Conflict of interest

- Consultant/Advisory Board Shire, Kaleo, Novartis, CSL
- Speaker CSL
- Claritin Council Member, Spokesperson Bayer
- Medical consultant, Spokesperson Kaleo

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Overview

- Basic keys to negotiation
- Financials
- Work location/ Work duties
- Non-compete/ Restrictive covenant
- Benefits
- Productivity/ Salary
- Medical malpractice
- Severability clause

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Negotiating 101

- You can achieve what is important to you!
You can start or join an academic practice!
- Prepare and prioritize the items important to you – know what your “non-negotiables” are
- Practice makes perfect – be confident but not arrogant
- Dress for success
- Read the book “Getting to Yes” by Fisher, Ury, Patton

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Employment Agreement

- **Remember that if it is not written, it was never discussed**
 - “You have my word” translates into nothing if it is not written
- **What you sign, you are agreeing to perform**
 - Number of work hours, number of clinics, numbers of patients, “employer has the right to change location” as needed

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Recognize YOUR Value - Training

- Allergy or Immunology, BMT, special areas of interest
- Good news – with decreasing numbers of training programs and MDs retiring, **a real need exists** for A/I, especially in academics
- **Align with the strategic plans of the institution**
- **What is your value add** and present this to the administration
- **Perform a SWAT analysis and prepare a business plan**

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Question: What is an RVU?

- A A measure of stress for clinicians
- B Alphabet soup of medicine these days
- C A measure of productivity
- D Really very useless

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Educate Yourself on ABCs of Medical Practice

- Work RVUs
- FMV (Fair market value)

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Basics of RVUs

- Relative Value Units
- Developed by Harvard School of Public Health and AMA
 - Work done by physician for CPT codes
 - Practice costs incurred in rendering services
 - Opportunity cost of training or income foregone by physicians to obtain additional training
- Found to have a high degree with reliability and validity
- Implemented by CMS in 1992
- Foundation of medical group financial analysis
- Unique to the medical service industry
- Updated annually

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Analyzing and Benchmarking



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Basics of RVUs

- Uses:
 - Measure productivity
 - Budgeting
 - Allocating expenses
 - Cost benchmarking
- Consists of 3 components
 - Work RVU (wRVU)
 - Practice Expense RVU (peRVU): represents the cost to operate the medical practice (overhead)
 - Facility
 - Non-facility
 - Malpractice RVU (mRVU): estimates risk associated with each code

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Examples

- Example 1: 100% clinic FTE; 4 clinic days/week
 - 50th percentile = 3400 wRVU
 - 3400 wRVUs per year/46 weeks per year = 74 wRVUs per week
 - 74 wRVUs per wk/4 days per week = 18.5 wRVUs per day
 - 18.5 wRVUs per day/8 hours per day = 2.31 RVUs per hour
- Example 2: 90% clinic FTE; 3 clinic days week; 30% no show rate
 - 50th percentile = 3400 wRVU
 - 90% of 3400 = 3060 wRVUs per year
 - 3060 wRVUs per year x 1.3 no show rate = 3978 wRVUs per year
 - 3978 wRVUs per year/46 weeks per year = 86.5 wRVUs per week
 - 86.5 wRVUs per week/3 days per week = 28.8 wRVUs per day
 - 28.8 wRVUs per day/8 hours per day = 3.6 RVUs per hour

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How Do I Get RVUs?

Level of Service

99241	Office consultation	0.64
99242	Office consultation	1.34
99243	Office consultation	1.88
99244	Office consultation	3.02
99245	Office consultation	3.77
99201	Office/outpatient visit new	0.48
99202	Office/outpatient visit new	0.93
99203	Office/outpatient visit new	1.42
99204	Office/outpatient visit new	2.43
99205	Office/outpatient visit new	3.17
99211	Office/outpatient visit est	0.18
99212	Office/outpatient visit est	0.48
99213	Office/outpatient visit est	0.97
99214	Office/outpatient visit est	1.50
99215	Office/outpatient visit est	2.11

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How Do I Get RVUs?

Percutaneous skin prick testing, allergens	Specify # of tests	95004	0.01
Nitric oxide expired gas determination		95012	0
Percutaneous/Intradermal testing, venoms	Specify # of tests	95017	0.07
Percutaneous/Intradermal testing, drugs	Specify # of tests	95018	0.14
Intradermal testing, allergens	Specify # of tests	95024	0.01
Patch tests	Specify # of tests	95044	0
Rapid desensitization, drug	Specify # of doses	95180	2.01
Spirometry		94010	0.17
Pre- and Post Bronchodilator Spirometry		94060	0.27
Ingestion challenge, initial 120 minutes		95076	1.5
Ingestion challenge, each extra 60 minutes		95079	1.38
Rhinoscopy		31231	1.1
Laryngoscopy		31505	0.61
Subcutaneous/IM Injection		96372	0.17
Single Vaccine		90471	0.17
Influenza Vaccine		G0008	0
Pneumococcal Vaccine		G0009	0
Additional Vaccines		90472	0.15
Patient Education		99211	0.18
Tobacco-use counsel 3-10 min		G0436	0.24
Tobacco-use counsel >10min		G0437	0.50

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How Do I Compare?

	2012	2013	2014	2015
A/I (median)	\$285,847	\$315,710	\$320,637	\$348,579
Median wRVU	-	4,272	4,379	4,666
Median comp/wRVU	-	72.59	79.98	78.54
Median comp/Collections	-	0.493	0.452	0.414

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How Do I Compare?

	#	Mean	25%	Median	75%
A/I academics	34	\$187,422	\$144,278	\$177,284	\$212,799
A/I non-academics	196	\$417,633	\$260,776	\$348,579	\$528,802
Starting salary (all)	5	\$158,403	\$80,127	\$160,375	\$235,693

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Troubleshooting

- **Make your compliance officer your BFF**
- I am not getting credit for spirometry
 - 26 modifier
- I am not getting credit for skin testing
 - Pull it from facility fees
- I am not getting credit for OFC
 - Pull it from facility fees

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Troubleshooting

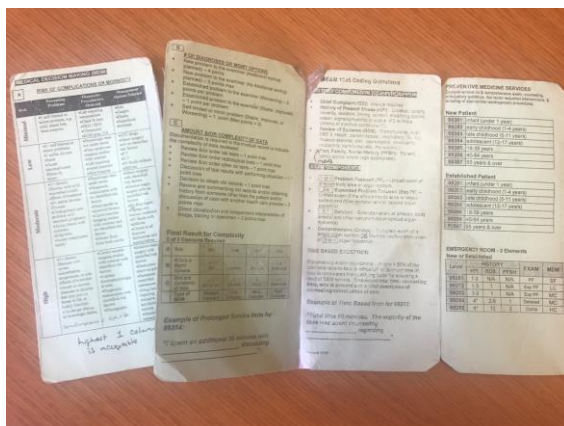
- I didn't make RVUs
 - Consequence
 - Recredentialing
 - Salary adjustment
 - Why??
 - Billing correctly?
 - Correct template?
 - Correct number of weeks in clinic?
 - What to do?
 - Pull billing
 - Negotiate for next year

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Billing correctly?



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Billing Correctly?

- History
- Physical
- Check EMR template!



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CPT Code	CPT Description	RVU Value	Local Mean	FPSC Mean
99214	Office/outpatient visit est	1.5		
99244	Office consultation	3.02		
99204	Office/outpatient visit new	2.43		
99213	Office/outpatient visit est	0.97		
99245	Office consultation	3.77		
99215	Office/outpatient visit est	2.11		
99243	Office consultation	1.88		
99203	Office/outpatient visit new	1.42		
95004	Percut allergy skin tests	0.01		
99233	Subsequent hospital care	2		
99205	Office/outpatient visit new	3.17		
94010	Breathing capacity test	0.17		
95076	Ingest challenge ini 120 min	1.5		
99255	Inpatient consultation	4		
99254	Inpatient consultation	3.29		
95079	Ingest challenge addl 60 min	1.38		
99242	Office consultation	1.34		
99212	Office/outpatient visit est	0.48		
99223	Initial hospital care	3.86		
99232	Subsequent hospital care	1.39		
95018	Perq&ic allg test drugs/biol	0.14		
94060	Evaluation of wheezing	0.27		
99220	Initial observation care	3.56		
99239	Hospital discharge day	1.9		
99202	Office/outpatient visit new	0.93		
99253	Inpatient consultation	2.27		

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Success

- I exceeded my RVUs?
 - Bonus??
 - \$5-\$15/RVU
 - Salary vs. Research Account
 - Renegotiate your contract?
 - Higher salary
 - More time out of clinic
- Freedom

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Financial Statements

- RVUs are not everything!
- Pull financials
- Know overhead for your department
- Know your reimbursement rate
- Do you have room to hire more nursing

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Employment Agreement

- **Speak to mentors**, others employed in academics - nearby or at another institution
- **Do not sign anything before doing your research** on what constitutes a fair agreement- salary, benefits, non-compete/restrictive covenant
- ****Speak to a medical contract attorney** - even for them to look at first version of contract and give feedback on your behalf** Worth every penny

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Review Your Expectations

- **Ask the right questions - patient care, teaching responsibilities** - lectures and resident/medical student teaching
- **Directorship** - Dept and/or Fellowship Training Program; stipend and time
- **Research or publication requirements** - basic science, clinical or translational or publications/year? Ask about protected time - if so, must be stated in the contract
- **On-call time and coverage** - should specify a maximum amount of on-call time
- **Know your budget** - overhead expenses (dean's tax, etc.), salaries of ancillary staff

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Location

- **Location of sites you will work** – stated specifically in the contract. Can this change without your approval? Satellites may be located 1-2 hours away from “home base.” Can your employer change where you practice “to fit the needs of the institution?”
- **Numbers of clinic days expected** - numbers of patients and hours per day
- **Consults** - timing rules - how long before you must see patient in the hospital?

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Question: Is it ever possible to get out of a non-compete?

- A. Always
- B. Never
- C. Depends on how deep your employer's pockets are
- D. In right to work states - still may have to pay to get out of non-compete

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Non-compete/ Restrictive Covenant

- Time (months to years)
- Space (miles or counties from primary place of work) – should be based on where you work/ see patients
- Scope (pediatric versus adult allergy, immunology or both)
- Do you live in a right to work state?
- Null, if fired without cause

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Benefits

- Salary is not everything - beware of high salaries that cannot be justified by wRVUs and then result in/ expect decrease in compensation
- Personal time off - holidays, CME time - carry over?
- Professional dues/ CME allotment
- Health insurance
- Life insurance
- 401K, 403B

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Productivity

- Assurance of salary - compensation fixed or based on productivity (most) and then bonus structure should be clearly delineated
- Are projected RVUs realistic and attainable?
- Ask for specific number of encounters of new and follow-up monthly
- What resources/ space/ staff will be available?
- Are you responsible for RVUs by physician extender/ immunotherapy - do you get “credit” for this?
- Will you have resources – both space and staff for procedures - SPT, PFTs, oral challenge, patch testing?
- You are no longer a fellow - let others do the work you don’t have to!

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Medical Malpractice

- Tail coverage should be covered by institution
- Sovereign Immunity at some institutions
- Ability to moonlight and/or perform subcontracting work - do you receive the money or does the institution? Ensure malpractice covers these activities

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Severability Clause

- At will with or without cause - if a clause says you can be fired without cause and will receive 120 days compensation, you have a 4 month contract
- Review the amount of time required by employer prior to resignation

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Review Possible Service Line Expansion

- Expand locations - institutional satellites
- Provide/Expand new procedures - (i.e., challenges - drug and food; expand testing - patch or penicillin; desensitization to meds)
- Telemedicine
- Collaborate with other departments to build centers of excellence - PIDD- 22 q , Food Allergy- GI/Nutrition

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When Things Don't Go as Expected

- Think outside of the box
- Be creative
- Consider a new model - working with an institution as a clinical educator or private academic practice
- Some programs are undergoing change

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Summary

- Negotiating is an Art!
- Being new at negotiation does not mean you cannot negotiate - know what you know and know what you don't know!
- Seek the advice of a medical contract lawyer

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Acknowledge Dr Christina Ciaccio for Financial Data

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