

2024 LEGAL AND REGULATORY UPDATE

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Disclosures

C. Keith Greer, J.D. has no relevant financial interests to disclose.

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Learning Objectives

This presentation will identify new state and federal laws and regulations directly impacting podiatric medicine in 2024, and demonstrate policies and procedures attendees can immediately implement to avoid potential sanctions and legal liability. Trending Medicare audit issues and ways to avoid repayment exposure will also be discussed.

CALIFORNIA LABOR LAWS

MINIMUM WAGES

Increases: State \$16.00

LA County: \$16.78-\$16.90

Healthcare workers:

25+ Employees and Community Clinics: \$21.00

Hospital with high mix Medicare: \$18.00

Large Health Systems: \$23.00

CALIFORNIA LABOR LAWS

SICK LEAVE

Increased to 5 days (1hr./30hr. worked).

Applies to all employers.

Must update written policies to reflect the change.

Accrued benefit must appear on wage statement.

Employee should provide reasonable notice when available.

CALIFORNIA LABOR LAWS

REPRODUCTIVE LOSS LEAVE

- Applies to employers with 5 or more employees;
- Distinct from Cal. Family Rights Act (“CFRA”) and Pregnancy Disability Leave (“PDL”);
- Eligible for 5 days unpaid leave after employed 30 days;
- Eligible after each: (a) failed adoption or surrogacy; (2) miscarriage/stillbirth; or (3) unsuccessful assisted reproduction;
- 20 days maximum per year/no certification required.

CRIME VICTIM LEAVE

- Applies to victims of: domestic violence, sexual assault, stalking or a crime that resulted in physical or mental injury;
- Employer may request verification (police report, court order, medical records, etc.);
- Unpaid time off for: legal proceedings; seek medical and psychological attention; obtain shelter, etc.

CALIFORNIA LABOR LAWS

PROTECTED CANNABIS USE

Employers can't discriminate based on off-site/off clock cannabis use;
Inquires are forbidden for hiring, disciplinary or terminating purposes;
Nor can drug tests be used to hire, restrict or terminate.

The law still does not allow workers to use, be impaired by or possess cannabis while on the job.

Employers still have the right to maintain a drug free workplace?!?!

CALIFORNIA LABOR LAWS

RETALIATION

There is now a presumption that an adverse action taken within 90 days of an employees “protected action” is retaliatory.

Protected actions include filing complaints with regulatory agencies, whistle blower actions and other efforts to enforce employee rights.

Employers can not prohibit employees from discussing their wages, asking about other employees wages, or encouraging other employees to exercise their rights.

Fines raised from \$10,000 per incident o \$10,000 per employee.

CALIFORNIA LABOR LAWS

NONCOMPETE AGREEMENTS UNLAWFUL

- Noncompete clauses in employment contracts were previously void/voidable.
- Now they are illegal and illegal to include in the contract.
- Employers must give notice to current and past employees that the clause is void.

PARITY IN PARTNERSHIP

CPMA Passed AB 834, which eliminated DPMs limitation to holding only 49% interest in partnership with MDs and DOs.

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SUPERVISION OF PHYSICIAN ASSISTANTS

The last vestige of discrimination: CPMA sponsoring AB 2194, which will allow DPMs to supervise PAs. Current law requires MD on site when working with DPM.

HIGH VOLUME AUDIT TOPICS

Place of Service [-31 and -32 modifiers]

Wound Care - Biologics (ASP, documentation)

Hospice Care -GW modifier

QUESTIONS