

## CRISIS UPDATE

### **Results mixed on liability reform ballot initiatives**

VOTERS IN FOUR CLOSELY WATCHED states considered ballot measures to ease the medical liability crisis and strengthen their access to health care:

- In **FLORIDA**, voters passed Amendment 3, entitling patients in medical liability cases to no less than 70 percent of the first \$250,000 awarded, and 90 percent of any damage award in excess of \$250,000. However, Amendments 7 and 8, backed by a trial attorneys' group, also passed, including a "three strikes and your license is revoked" rule. Those amendments require action by the Legislature before implementation and will be opposed by the Florida Medical Association.
- In a decisive victory, **NEVADA** voters passed Ballot Question 3, placing a hard cap of \$350,000 on non-economic damages in medical liability cases, installing a periodic payment plan for damages totaling more than \$50,000 and limiting attorney contingency fees. Physicians there are now also only financially responsible for their percentage of fault in a medical liability lawsuit.
- There was a setback for patients in **OREGON**, where Ballot Measure 35 did not receive enough "yes" votes. Ballot Measure 35

would have reinstated a \$500,000 cap on non-economic damage awards in medical liability cases, with an annual Consumer Price Index adjustment.

- Results were mixed in **WYOMING**. Voters passed Amendment C, which allows the Legislature to set up medical review panels to weed out frivolous lawsuits, while allowing ones with merit to proceed to court. But amid a vigorous campaign funded by a group of personal injury attorneys, Amendment D came up short. That measure would have allowed the Legislature to consider limits on non-economic damages in medical liability cases.

*Source: AMA Federation News*

### **Illinois scores major victory**

PHYSICIANS AND PATIENTS OF ILLINOIS have good reason to applaud the election of Lloyd A. Karmeier to the 5th District State Supreme Court. Justice-elect Karmeier promises to deliver fairness and impartiality, "without fear or favor from any special interest or group" to both Madison and St. Clair Counties.

These locales have long been described as a "judicial hellhole" run by plaintiff attorneys. More than 160 physicians have been forced to leave the region, abandoning patients and increasing the burden on those doctors remaining. Justice-elect Karmeier's opponent, Gordon Maag (D), also lost his bid to keep his seat on the Appellate Court. A Republican win now shifts the high court's 5-2 Democratic majority to 4-3.

On the local scene, Elizabeth Coulson (R-17) of Glenview defeated Michele Bromberg (D); Michael McAuliffe (R-20) of Chicago's northwest side defeated Ralph Capparelli (D). Both winners were supported by IMPAC for their physician- and patient-friendly positions.

## Open letter to Barack Obama



**Obama**

THE CHICAGO MEDICAL SOCIETY CONGRATULATES BARACK OBAMA on his election to the U.S. Senate. We look forward to working with him on behalf of the 5.4 million patients and 17,000 physicians in the Chicago area. We also believe the optimism and strong spirit of bipartisanship that served Mr. Obama so well in the Illinois Senate will be a valuable asset in Washington.

Throughout his legislative career, Mr. Obama has made affordable health care a priority--spearheading legislation to extend health care access under KidCare and FamilyCare, and proposing plans to improve seniors' access to care and affordable prescription drugs. We are confident that in Washington, Mr. Obama will continue to champion health care on behalf of the uninsured and elderly. And we commend him for his passion and persistence in working to resolve these and other health-related issues.

In wishing Mr. Obama well, we urge him to join a number of his Senate colleagues in supporting legislation that would impose caps on medical liability awards for pain and suffering. To do so would remove a major barrier to health care access in America. Rising liability premiums are crippling the physicians who provide care, forcing physicians to cut back on services, relocate to other states, or give up practice altogether. The crisis is further slowing efforts to improve patient safety, and adding billions of dollars in additional costs to our health care system. And it is the poor who are most hurt by the exodus of physicians from Downstate and inner-city areas.

Another obstacle to the availability of quality medical care is the fundamentally flawed Medicare reimbursement formula. Shrinking reimbursement rates are inflicting a huge financial drain on physicians and jeopardizing seniors' access to care. We believe the time has come to replace the SGR formula with an annual update system that reflects actual increases in physicians' costs. We need to continue the work begun with the Bush Administration and congressional leaders in both parties to lay the groundwork for change.

*The Chicago Medical Society looks forward to collaborating with Mr. Obama to forge solutions representing the best interests of all Illinoisans.*



Find us online at CMS Internet address [www.cmsdocs.org](http://www.cmsdocs.org)

### NEWS FOR CHICAGO PHYSICIANS



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515 N. Dearborn St.  
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## OPENING A DIALOGUE

### **Member benefit: access to legislators**

THE SOUTHERN COOK COUNTY BRANCH met at Ingalls Memorial Hospital recently to talk with State Representatives David E. Miller (D-29th) and William Davis (D-30th). We expressed our frustration and anxiety about the liability issues facing Illinois physicians and how they adversely affect patient care in the area. We found, for example, that in Indiana gastroenterologists pay \$9,000 for insurance each year; in Ohio, \$1,200; in Wisconsin, about \$12,000; in Iowa, around \$11,000; but we are paying somewhere in the range of \$34,000 to \$36,000 after receiving multiple discounts and having no significant malpractice issues in the past 20 years. Representatives Miller and Davis listened to us, and I had a feeling we made an impression on them.

The Chicago Medical Society should organize and encourage similar meetings among its members and regional representatives to discuss the liability crisis in Illinois. I hope you let other people know this strategy might be effective in altering the course of liability reform legislation in Illinois.

*Submitted by Abraham Fallah, MD*

*Editor's note:* CMS has scheduled a number of legislative Branch meetings like the one mentioned above. CMS held other Branch/Hospital meetings last month at St. Alexius Medical Center, Rush North Shore Medical Center, and Lincoln Park Hospital. Legislators present included Rep. Elizabeth Coulson (R-17), Sen. John Cullerton (D-6), and Rep. Terry Parke (R-44).

*We urge all members to consider holding a legislative breakfast at one of your Branch meetings. CMS can help you identify potential speakers and assist in making invitations and arrangements. For information, please call Ted Kanellakes at (312) 670-2550, ext. 342.*

### **Come to Springfield**

CMS DELEGATES AND ALTERNATES ARE urgently needed for the 2005 ISMS HOD meeting in Springfield April 14-16. CMS representation is vital to the shaping of policy at the state level. Be there and have a say in your future.

For more details, call Cathy Faedtke at (312) 329-7322 or e-mail [cfaedtke@cmsdocs.org](mailto:cfaedtke@cmsdocs.org).



Scott Warner

### **Greetings to new health services chief**

CMS paid a visit recently to Daniel H. Winship, MD, (right) the new chief of the Cook County Bureau of Health Services. During the meeting, James R. Tarrant, CMS executive director, talked with Dr. Winship about his plans for the bureau, which covers Cook County Hospital, Cermak Health Services, and Cook County Department of Public Health. Watch for the interview with Dr. Winship in the fall issue of *Chicago Medicine*.



### **CMS Insurance Agency, Inc.**

Affiliate of Chicago Medical Society

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*Online forums, grouped by specialty and topic.*

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For additional information, contact Chris Sienko at (312) 329-7334 or [csienko@cmsdocs.org](mailto:csienko@cmsdocs.org)

## SOCIETY HAPPENINGS

### AMA top doctor to make holiday call on CMS

AMA PRESIDENT JOHN C. NELSON, MD, MPH, will join CMS members at the Society's Annual Holiday Reception, scheduled for Dec. 15, 2004. The Reception follows a CMS Board of Trustees meeting at which Dr. Nelson will speak informally and take questions from the leadership. Beginning at 4:00 p.m., the Reception is open to all members, and will be held at Le Meridien Hotel, 521 N. Rush St., 6th floor.

*See our ad on the next page. For more information, contact Cathy Faedtke at (312) 329-7322 or e-mail [cfaedtke@cmsdocs.org](mailto:cfaedtke@cmsdocs.org).*

### Attention, members of the CMS Council

#### *Preparing a resolution*

RESOLUTIONS ARE THE LIFEblood OF THE CMS policy-making process, and we encourage you to submit your ideas to the CMS Council for discussion and debate. But before getting started, check first to see if your resolution is not already addressed by CMS policy.

*To do background research on existing CMS, ISMS, or AMA policy, please contact Liz Sidney at (312) 329-7335, or e-mail [esidney@cmsdocs.org](mailto:esidney@cmsdocs.org).*

Then, let the writing begin!



James Tarrant

### CMS launches one-day CME conferences

The Chicago Medical Society has revamped its annual Midwest Clinical Conference, and is now hosting several one-day CME conferences throughout the year. Shown here are physicians attending the E-Medicine Conference on Nov. 5 at the Embassy Suites in Rosemont. Participants were able to earn up to 7 CME credits as they learned about electronic patient record systems, personal digital assistants, and bioterrorism preparedness, which was presented as a bonus session. *For information on upcoming conferences, please call (312) 670-2550, ext. 341 or 338; [www.cmsdocs.org](http://www.cmsdocs.org).*



*The Officers and Trustees of  
the Chicago Medical Society  
request the pleasure of your company at our  
Annual Holiday Reception  
Wednesday, December 15, 2004  
from*

**4 p.m. to 7 p.m.**

*Le Meridien Hotel  
6<sup>th</sup> Floor  
521 N Rush Street  
(Rush St & Grand Ave)  
Chicago, Illinois*

*Celebrate the season with your friends and colleagues!  
Complimentary hors d'oeuvres and refreshments will be served.*

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*I (and a guest) will attend the Chicago Medical Society Holiday Reception on  
Wednesday, December 15, 2004*

**Number of Persons:** \_\_\_\_\_

**Name:** \_\_\_\_\_

*Please Print Name of Each Person Attending*

**Address:** \_\_\_\_\_

**Please reply no later than December 13, 2004** call Cathy Faedtke at (312) 670-2550, Ext. 322

Fax to (312) 670-3646 E-mail your response to [cfaedtke@cmsdocs.org](mailto:cfaedtke@cmsdocs.org)

Mail reply to: CMS Holiday Reception, Chicago Medical Society

515 N. Dearborn Street, Chicago, IL 60610

## STUDENT OUTREACH

### ***Student Branch Update***

THE STUDENT BRANCH HELD A MAJOR outreach event on Oct. 7, 2004, at John Barleycorn in Wrigleyville. Eighty medical students from area schools gathered to hear what the CMS, ISMS, and AMA can do for them now as students, and later as physicians.

Student activities such as these give students the opportunity to collaborate with the AMA and ISMS, as well as the seven sponsoring medical schools: Chicago Medical School, Loyola University, Midwestern University, Northwestern University, Rush Medical College, University of Chicago, and University of Illinois at Chicago.

The Student Branch is the largest growing segment of both the Chicago Medical Society and the Illinois State Medical Society. Membership is projected to reach 1,500 this year.

Attendees also won raffle prizes including: Kaplan material for the USMLE, PDAs, stethoscopes and penlights.

*Submitted by Aman Ali,  
President, CMS Student Branch*

### ***Leaders wanted for student forum***

THE STUDENT BRANCH IS SEEKING CMS members to speak at CMS' first Medical Student Leadership Forum this January. The scheduled topic will be the benefits of involvement in organized medicine. Members should be affiliated with one of the seven sponsoring medical schools.

During this one-day event ISMS and CMS leaders will talk about the importance of medical societies to the medical profession. Sessions will allow for developing networking programs between physicians and students at each medical school. Student leaders also will discuss the value of a strong Chicago student voice at the local, state and national level.

*If you are interested in participating in the forum, or have other questions or comments, please contact Aman Ali, at [aman\\_ali@rush.edu](mailto:aman_ali@rush.edu).*

## AT YOUR LEISURE

### ***Chef Foley to preview his new book***

CHICAGO GOURMETS, THE FINE-DINING ORGANIZATION endorsed by the Chicago Medical Society Service Bureau, Inc., announces upcoming dining events and programs.

● **Cyrano's Bistrot -- "Lunch & Learn with Chef Michael Foley"** SATURDAY, DEC. 4, 12:30 P.M., 546 N. WELLS ST., CHICAGO.

*Cyrano's Chef-owner Didier Durand will prepare a French winter meal paired with wines. Selections include demitasse of parsnip soup, cassoulet, cheeses, endive salad, apple tart and rosemary ice cream. Special guest of honor, Michael Foley, former chef-owner of the nationally celebrated Printer's Row Restaurant, will introduce the outline for his upcoming book, "Printer's Row: The Evolution of an American Cook." CMS member's price, \$45.*

● **TRAVEL:**

**CULINARY ARTS & WINE CRUISE ABOARD SILVERSEA'S NEWEST SHIP, THE 382-PASSENGER SILVER SHADOW SAILING FROM ROME TO VENICE ALONG THE DALMATIAN COAST, APRIL 12-22, 2005. This all-inclusive cruise experience will include cooking and wine**

*demonstrations by Chef John Des Rosiers of Bank Lane Bistro in Lake Forest and Mary Colhoun of Landmark Vineyards. Also included are wine tastings and culinary visits in selected ports. For more information, contact ChicaGourmets.*

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*Send checks to: ChicaGourmets, Mail Boxes, Etc. PMB 347, 47 W. Division St., Chicago, IL 60610-2220.*

*For more details, view the ChicaGourmets website: [www.chicagourmet.com/](http://www.chicagourmet.com/). Or, go to the Chicago Medical Society website: [www.cmsdocs.org/](http://www.cmsdocs.org/) and click on "services" then "links," and go to the ChicaGourmets website. For further information, contact: Don Newcomb, founder, ChicaGourmets (708) 383-7543; or e-mail [donaldnewcomb@comcast.net](mailto:donaldnewcomb@comcast.net).*

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6. Return this completed form to: Chris Sienko, *Chicago Medicine*, 515 N. Dearborn St., Chicago, IL 60610; or fax it to (312) 670-3646. If you have any questions, call Chris Sienko at (312) 329-7334.

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## CLASSIFIED ADS

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### What are your colleagues up to? (Let us know, please!)

DO YOU KNOW A COLLEAGUE WHO HAS AN interesting hobby, or who has done something interesting that we would all like to find out about? Or do you have a tale to tell about your own "off-duty" activities? *Chicago Medicine* is looking for CMS members with stories to share. Past articles featured a dermatologist who wrote a novel about a physician who was a faith healer; a 60-year-old surgeon who enrolled at Harvard, moved into a student dorm, and earned a master's degree from the Kennedy School of Government; a University-of-Chicago-trained internist and medical ethicist who enrolled in cooking school, apprenticed at Frontera Grill and wrote a best-selling cookbook on healthful eating.

*Let us hear from you. Please contact Scott Warner, co-editor, (312) 670-2550, ext. 336; [swarner@cmsdocs.org](mailto:swarner@cmsdocs.org)*

### CMS members: Do we have your e-mail address?

We want to keep you updated on the latest news concerning legislation, public health alerts and bioterrorism.

*Please send us your address by e-mailing: [askcmsdocs.org](mailto:askcmsdocs.org) or by faxing: (312) 670-3646.*