

chicago medicine

CHICAGO MEDICAL SOCIETY
THE MEDICAL SOCIETY
OF COOK COUNTY



Newsletter, December 2005, Vol. 108, No. 15

ANNUAL HOLIDAY RECEPTION

Medical, political leadership gather at CMS fete



Scott Warner, CMS

Shown at the CMS Annual Holiday Reception on Dec. 14 at the Conrad Chicago, are (above, from left): James Tarrant, CMS executive director; Peter E. Eupierre, MD, ISMS president-elect; Rep. Sara Feigenholtz, (D) 12th District; and Shastri Swaminathan, MD, CMS President-elect.



Above: J. Edward Hill, MD, AMA president; Steven M. Malkin, MD, CMS president; David A. Loiterman, MD, CMS trustee; and gubernatorial candidate, Sen. Bill Brady (R-Bloomington).

Sen. John Cullerton, (D) 6th District, Dr. Eupierre; and Richard A. Geline, MD, chairman of the ISMS board.

AS PART OF OUR ONGOING GRASS-roots efforts, CMS expanded the Annual Holiday Reception to include local political representatives, who came to discuss physician concerns in a relaxed atmosphere. Held Dec. 14 at the Conrad Chicago, the festive event also drew national and local leaders of organized medicine. *More reception photo highlights will appear in the winter issue of Chicago Medicine.*

City smoking ban a 'good start'

By Steven M. Malkin, MD, CMS president

The following was published as a letter to the editor in Crain's Chicago Business, Dec. 19.

"WE'VE COME A LONG WAY, BABY," TO PARAPHRASE the old cigarette ad. But now, instead of promoting smoking, we're blowing it out the door, as evidenced by the Chicago City Council's approval of the ordinance that bans smoking in virtually all public places. What a great beginning for a smoke-free, and healthier Chicago.

CMS applauds the City Council for passing legislation that protects restaurant and tavern employees from the harmful effects of secondhand smoke. We thank Alderman Ed Smith for championing the health of our citizens, and the Chicagoans who have called the mayor and their aldermen in support of the ordinance. We believe that many nonsmokers will now have the opportunity to explore bars and restaurants that were "off limits" because of the layers of smoke.

As far-reaching as the ban might appear, however, it's important to note that no other major smoke-free city has an exemption for establishments with air purification devices. Currently, no such technology exists, and we are concerned the ventilation exemption may be a loophole for some to try and get around the ordinance.

Also, don't forget that for 2 ½ years smoking will still be allowed in freestanding bars and taverns. In that time, people will continue to be exposed to secondhand smoke. We are asking hospitality workers to put their health on hold!

Recent economic studies of smoke-free laws from New York City, El Paso, Florida, Massachusetts and dozens of others have shown no negative business impact. The 2005 Zagat Survey of America's Top Restaurants found that 80% of Chicagoans believe smoking should be banned in restaurants.

We're off to a good start—now let's build on the success of the new Clean Indoor Air Ordinance.

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YOUR CMS-AFFILIATED AGENCY RECENTLY sent letters to all Cook County physicians informing them they could make the CMS Insurance Agency their broker of record. This mailing in-

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THE MEDICAL SOCIETY
OF COOK COUNTY



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Scott Warner, *Co-Editor/Production*

CHICAGO MEDICAL SOCIETY

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Chicago Medicine (ISSN 0009-3637) is published monthly with one additional issue published each winter, spring, summer and fall for \$20 per year for members; \$30 per year for nonmembers, by the Chicago Medical Society, 515 N. Dearborn St. Chicago, Ill. 60610. Periodicals postage paid at Chicago, Ill. and additional mailing offices. Postmaster: Send address changes to *Chicago Medicine*, 515 N. Dearborn St., Chicago, IL 60610. Telephone: (312) 670-2550. Copyright 2005, *Chicago Medicine*. All rights reserved.

Medicare cuts prompt pleas to congress

Scott Warner, CMS



Shown at the Nov. 15 CMS Council meeting are Drs. John F. Schneider, CMS past president; Michael D. Maves, AMA EVP; Duane Cady, AMA board chairman; Richard A. Geline, ISMS board chairman; and Shastri Swaminathan, CMS president-elect. Drs. Maves and Cady addressed the Council on Medicare issues.

AMA VIPs tell of lobbying efforts in Washington, DC

TOP AMA OFFICIALS MADE A SURPRISE VISIT on the CMS Council (Nov. 15) to rally doctors and outline the organization's plan for halting the 4.4% payment cut scheduled to take effect Jan. 1, 2006.

AMA Board Chairman Duane Cady, MD, and Executive Vice President Michael D. Maves, MD, said they and other AMA leaders were testifying the next day in hearings held by the U.S. House of Representatives Energy and Commerce Committee. And while these hearings go on, grassroots physicians must join the battle by talking to patients and contacting their legislators, said both Drs. Cady and Maves.

Many Council members spoke long and passionately about the Medicare crisis, and the hardship of practicing with dismal, declining reimbursement. A few asked for information on opting out of Medicare. Dr. Cady responded that the AMA has this information available although it cannot *tell* doctors to opt out. He stressed that in discussing the problem, opting out should be presented as a patient care issue.

Physician participation information can be obtained through the AMA Web site: <http://www.ama-assn.org/ama/pub/category/11843.html>. The document *participating_option.doc* can be downloaded at no charge.

Recently back from the AMA Interim meeting, where the Medicare cuts and flawed SGR had been the main focus, CMS President Steven M. Malkin, MD, warned that Congress had little time to act. He, also, urged councilors to call their legislators, and bring the word back to the Districts. He said that patients need to understand their doctors want to take care of them, but between P4P requirements and low Medicare reimbursements, many won't be able to meet the challenge.

He further advised members to use the AMA P4P guidelines as a starting point when evaluating plans. They can be viewed on the AMA Web site at <http://www.ama-assn.org/ama/pub/category/14416.html#ama>.

Update: On Dec. 22, Congress adjourned without fulfilling its responsibilities to Medicare patients and their physicians. On Jan. 1, the 2006 Medicare physician payment cut began. There is bipartisan agreement in both the U.S. House and Senate that this cut must be stopped to preserve seniors' access to care, and both the House and Senate have passed legislation to stop the cut. Procedural issues in the Senate and House prevented final action on this critical issue for Medicare patients. The AMA hopes that Congress will immediately take up this issue when it returns to Washington in January to halt the payment cuts and retroactively adjust payments. The AMA and physicians will continue to strenuously advocate for a fair physician payment formula based on practice costs, as well as continue to advocate for sound quality improvement initiatives.

District trustees summoned to action

The new CMS Board is "truly representative" because it includes members elected at the grassroots level by each newly formed District, said CMS President-elect Shastri Swaminathan, MD. He laid out the trustees' responsibilities: share CMS activities with District members, exchange ideas and information, and bring feedback to the CMS Board. Dr. Swaminathan added that trustees must be active in the hospital community and help to recruit residents. (These efforts would supplement CMS' work with Advocate Illinois Masonic and Resurrection Health Care to increase the

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COUNCIL HIGHLIGHTS *(continued from page 6)*

number of medical resident members.)

News from ISMS

ISMS Chairman of the Board Richard A. Geline, MD, described recent activities at the state level.

● On the Medicare front, Dr. Geline said that ISMS has published extensive information on Part D, and that M. LeRoy Sprang, MD, (past president of CMS and ISMS) is serving on a payment advisory committee to the Centers for Medicare and Medicaid Services.

● ISMS recently endorsed the AMA's "Principles and Guidelines for Pay-for-Performance" and supported AMA efforts to prevent linkage of the SGR with P4P.

● Trial attorneys are gearing up for a big battle in Illinois, although a decision from the Supreme Court isn't expected anytime soon. There are significant obstacles to accomplishing tort reform through constitutional amendments and conventions. However, the new caps legislation was drafted to withstand arguments raised in the past, such as discrimination.

● ISMS has given its qualified support for the *All Kids* program.

Nominations announced for leadership offices

The following nominations were made for CMS offices:

Saroja Bharati, MD *President-elect*

William N. Werner, MD *Secretary*

William A. McDade, MD
Chairman of the Council

David A. Loiterman, MD
Vice Chairman of the Council

Thomas M. Anderson, MD *Trustee*

Edgar A. Borda, MD *Trustee*

Councilors-at-Large

Bapu Arekapudi, MD

Boone Brackett, MD

Brian P. Farrell, MD

Earl E. Fredrick, Jr., MD

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COUNCIL HIGHLIGHTS *(continued from page 8)*

William J. Marshall, Jr., MD
Arthur R. Peterson, MD
Nunilo Rubio, MD
Gerald E. Silverstein, MD

Alternate Councilors-at-Large

Rafael Campanini, MD
Zahurul Huq, MD
Terrence Lerner, MD
Aldo F. Pedroso, MD
Anna Szpindor, MD
William G. Troyer, Jr., MD

Judicial Panel

Peter E. Eupierre, MD

Illinois State Medical Society

Joan E. Cummings, MD	<i>Secretary/Treasurer</i>
Steven M. Malkin, MD	<i>Vice President</i>
Charles Drueck III, MD	<i>Speaker of the House</i>

Trustees:

Edgar A. Borda, MD
Richard A. Geline, MD
Roger Rodrigues, MD
William N. Werner, MD

American Medical Association

Delegates

Dennis M. Brown, MD
Charles Drueck III, MD
Richard A. Geline, MD
John F. Schneider, MD

Alternate Delegates

Saroja Bharati, MD
Raj B. Lal, MD
Shastri Swaminathan, MD

Resolutions passed

TIMELY FILING OF CLAIMS

(Submitted by Howard Axe, MD, Trustee, District 1)

CMS will ask the Illinois Department of Insurance to adopt a one-year time limit from the date of service for the filing of claims for services; this resolution will be forwarded to the Illinois State Medical Society and the AMA for endorsement and action at the state and federal level.

The next meeting of the Council will be Tuesday, Feb. 7, 2006.

Hospital liaisons needed for legislative breakfasts and more

IF YOU WOULD LIKE TO SERVE AS A POINT of contact between CMS and your hospital or if you have suggestions for District activities and projects, please give us a call. You may want to serve as a Member Liaison. As such, you'll be responsible for planning programs, arranging for CMS hospital visits, and encouraging your colleagues to be more politically involved.

*For more information, contact
Ted Kanellakes (312) 670-2550, ext. 342.*

UnitedHealth and Advocate at an impasse

TWO YEARS AGO, THOUSANDS OF UNITED-Health Group customers had to choose new doctors and hospitals following a dispute about rates paid by the insurer to Advocate Health Care doctors and hospitals. And now, in the wake of a ruling in Advocate's favor, it appears patients will continue to pay extra if they want to use Advocate facilities and Advocate-employed doctors, according to the *Chicago Tribune*.

A private arbitration panel ruled against United's antitrust complaint alleging that Advocate engaged in price-fixing and antitrust violations. Advocate contends that United wanted to force more than 600 employed physicians and its eight hospitals to be paid lower rates.

Neither side can say when, or if, there will be negotiations. The insurer said in a news release that it's hopeful a "new relationship that is beneficial for its customers can be established with Advocate." Lee Sacks, MD, executive vice president and chief medical officer at Advocate, says "We continue to be open to having a contract with United."

Concerns over Care for All

THE CHICAGO MEDICAL SOCIETY ATTENDED a press conference hosted by the Metropolitan Chicago Healthcare Council on Dec. 21 at Advocate Christ Medical Center. The press conference described the Care for All program that reportedly encourages Care for All participants to travel great distances--past other hospital emergency rooms to get to particular hospital systems' facilities for emergency treatment. As a follow-up to the press conference, CMS President Steven M. Malkin expressed his concerns to the director of Care for All. Following are excerpts from that letter:

CMS understands that Care for All was created to educate Chicago health care consumers about the full scope of free emergency care available to those with financial challenges. Instead, it appears that its representatives, as well as the program's materials, are focusing on two health care systems--Advocate Health Care and Resurrection Health Care.

Care for All should advise participants to seek treatment at a physician's office or clinic--rather than an emergency room--for non-emergency conditions.

The importance of individuals having a personal physician and obtaining continuity of care cannot be emphasized enough to patients. We also wish to point out that the public health system includes many federally qualified health centers (FQHCs) and other clinics that offer a variety of health care services for free or on a sliding scale basis. These centers and clinics can oversee a patient's health care needs on a continual basis. This practice also keeps emergency rooms accessible for those patients who are actually in an emergency condition.

CMS joins other health organizations in asking that Care for All fully inform participants and those interested in the program about the above matters to protect those individuals' health and well-being

Have your say at regional hearing

THE ILLINOIS ADEQUATE HEALTH CARE Task Force is holding a series of regional hearings this winter and spring in locations around the state to identify health care access problems in each community. The information will be used to assist the Task Force in making policy recommendations to the Illinois General Assembly in 2006.

Physicians are urged to attend at least one of these meetings to voice medicine's perspective.

When speaking at these meetings, doctors should include references to their standing within a hospital, medical association or other entity, but make it clear they are speaking on their own behalf. Written testimony is also being accepted by the panel.

The ISMS has developed message points for physicians' use in creating localized statements for presentation at the regional hearings. January hearings were scheduled in Franklin Park, Elk Grove Village, and Skokie. There will be a meeting in Deerfield, April 4.

The Task Force was created by the passage of the 2004 Health Care Justice Act.

For more information, contact Tracey Printen (ISMS) at (800) 782-4767, ext. 2459.

FINAL NOTICE

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AT YOUR LEISURE

Scott Warner, CMS



CMS meets food star

Joining Food Network star and author Sara Moulton, center, at luncheon in her honor Dec. 10 at the Ritz Carlton, are, from left: James Tarrant, CMS executive director; Marilyn Tarrant; Carol Eupierre, and Peter Eupierre, MD, ISMS president-elect. The luncheon was co-hosted by the Culinary Historians of Chicago and ChicaGourmets, which has been endorsed by the CMS Service Bureau for its numerous fine-dining events throughout the year. (See column at right.)

Coming attractions

The fine-dining organization, ChicaGourmets, has been endorsed by the CMS Service Bureau. All CMS members are considered members of ChicaGourmets, and will receive the ChicaGourmets discount for all events. Luncheon and dinner prices include tax, tip and wines.

● **La Fette, French American Bistro, showcases a special menu paired with wines; guest author Alica Ross** THURSDAY, FEB. 2, 6 P.M., 163 W. NORTH AVE., CHICAGO. Join chefs/co-owners Geoffrey McGrath and Erich Schildman who will offer several appetizers, including salmon cakes, followed by whiskey potato soup, salad, New York Strip steak or pecan crusted catfish, cheese course and desserts. Several of the recipes are from Ms. Ross's new book, "Cheap, Fast, Good!" \$49 per member. Send check to: ChicaGourmets, UPS Store, PMB 347, 47 W. Division St., Chicago, IL 60610-2220. For more details, view the ChicaGourmets Web site www.chicagourmets.com/. Or, go to the CMS Web site: www.cmsdocs.org/ and click on "links," then go to the ChicaGourmets Web site. For further information, contact: Don Newcomb, founder, ChicaGourmets, (708) 383-7543; or e-mail donaldnewcomb@comcast.net

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

Do you know a colleague who has a fascinating hobby, or who has done something interesting that we would all might want to know 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