

# chicago medicine

CHICAGO MEDICAL SOCIETY  
THE MEDICAL SOCIETY  
OF COOK COUNTY

Newsletter, April 2005, Vol. 108, No. 5



Photos, Scott Warner, CMS

This medical liability poster overlooking the Dan Ryan, north of Pershing Rd., is one of six in Cook County.

## ***Crisis takes to the road***

REINFORCING THE LIABILITY CRISIS TO THE PUBLIC, ISMS HAS POSTED "KEEP DOCTORS IN Illinois" billboards overlooking key highways throughout the state. The society is working in collaboration with ISMIE Mutual and local county medical societies, including CMS, in sponsoring the two dozen billboards. The billboards, which went up on April 1, will be on display through May.

## ***Behind the scenes at CDPH***

THERE'S A LOT MORE TO THE CHICAGO DEPARTMENT of Public Health than meets the eye; many physicians are simply not aware of the department's grassroots approach to community health and the community partnerships that Commissioner John Wilhelm, MD, is developing. To learn more about Dr. Wilhelm's

hopes and goals for the department, watch for our Q&A in the Spring issue of *Chicago Medicine*.



**Dr. John Wilhelm, Commissioner, Chicago Dept. of Public Health.**

## LIABILITY INSURANCE UPDATE

### ***New CMS Insurance broker on board to service physicians***



Seroczynski

CMS IS PLEASED TO WELCOME Mr. Phil Seroczynski as the new vice president and agent for the CMS Insurance Agency, Inc. Mr. Seroczynski comes with 14 years of experience in the Illinois medical liability insurance market, on both the company and agency side of the business. Many CMS members will recognize Mr.

Seroczynski from his previous service on behalf of ISMIE Mutual and ISMS. As a business development specialist with ISMIE, Mr. Seroczynski was committed to providing physician-first service for policyholders and members. "CMS members represented by the Agency can expect exceptional service for their policies, and benefit from Mr. Seroczynski's expertise and understanding of the medical liability market," said Peter E. Eupierre, MD, chairman of the CMS Insurance Agency.

Mr. Seroczynski replaced Edward Kuhn, who resigned in early April.

The CMS Insurance Agency, Inc. can now serve as your ISMIE agent. (The CMS Insurance Agency has received a direct appointment from ISMIE Mutual to provide medical liability insurance.) *Members insured with ISMIE can contact Mr. Seroczynski at the CMS Insurance Agency to make the Agency their agent. Call (312) 329-7346.*

### ***YOUR BENEFITS OF REPRESENTATION BY THE CMS INSURANCE AGENCY***

*Our Agency will:*

- Collaborate with ISMIE to maintain the strength of ISMIE, helping to ensure its future as an Illinois-based company protecting Illinois physicians.
- Use commissions earned to support CMS grassroots legislative advocacy, educational programs and seminars, and social events (annual dinner, golf outing, etc.). *There is no added cost to your liability premium.*
- Support CMS efforts to advocate on your behalf with state and federal representatives.
- Work with ISMIE to provide risk management seminars and office assessments so that physicians can meet eligibility requirements for discounts.

*To learn more about the  
CMS Insurance Agency,  
please fax us  
the survey on the  
opposite page →  
or call (312) 329-7346.*

### ***ISMIE Mutual to maintain 2004 base premium rate***

*First the good news:*

The base premium rate for ISMIE Mutual insurance will not rise in the new policy year beginning July 1, 2005. ISMIE reports that the number of claims reported per 100 policyholders in 2004 is four percent less than in 2003. As of year-end 2004, ISMIE's average indemnity on claims closed during the year was \$556,000, a small drop from the prior year's \$589,000.

ISMIE credits this modest improvement to the massive litigation reform campaign now underway statewide.

"Doctors have been increasingly vocal about the problem of litigation and its harmful impact on patient access to care. This message has resonated with patients, and with many who serve on juries," said Harold L. Jensen, MD, ISMIE Mutual Chair.

*The bad news:*

Even with no base rate increase, doctors will still be paying way too much. The medical liability crisis is enormous and worsening by the day.

"One year of slight improvement does not constitute a trend, nor signal an end to the crisis," Dr. Jensen said. "In Illinois, the surviving medical liability insurers hold our collective breath from year to year, as we endure and try to cope with this state's hostile and volatile litigation climate."

The moratorium on new business, now over two years old, remains in place until further notice.

# CMS INSURANCE AGENCY, Inc.

Chicago Medical Society Responds to Membership.

*Are you an ISMIE insured? A former ISMIE insured?*

If the answer is 'yes' to either one of these questions, then the only question left is whether you have signed up yet to be represented by the CMS Insurance Agency as your broker?

Current clients of the CMS Insurance Agency are already entitled to complete representation **AT NO ADDITIONAL COST TO THEIR PRESENT PREMIUM RATE.**

At the request of the CMS Council we have formed an insurance agency, *CMS Insurance Agency, Inc.* To assist us in helping CMS membership, please take a moment or ask your office administrator to complete this short survey *regarding your current insurance coverage*, and return it to the CMS office.

*Please fax to: (312) 670-3646, or mail to:  
CMS Insurance Agency, 515 N. Dearborn St., Chicago, IL 60610-4369.*

Physician Name (or Group) \_\_\_\_\_

Medical Liability Insurance Company \_\_\_\_\_

Date of Medical Liability Renewal \_\_\_\_\_

Health Insurance Carrier \_\_\_\_\_

Date of Health Insurance Renewal \_\_\_\_\_

Email Address \_\_\_\_\_

Office Contact Person \_\_\_\_\_

Phone Number \_\_\_\_\_

*If you have any questions, please contact Mr. Phil Seroczynski  
at (312) 329-7346; e-mail: pseroczynski@cmsdocs.org.*

## ISMS MEETING HIGHLIGHTS

### House of Delegates debates medical liability issues



James Tarrant, CMS

ISMS delegates remained steadfast in their support for caps on non-economic damages during the April meeting in Springfield.

#### *Annual meeting reaffirms support for caps*

FOR THE THIRD YEAR IN A ROW, THE MEDICAL litigation crisis dominated the discussion and debate as the ISMS held its Annual Meeting in Springfield April 15-16. And during the two-day policy-making session, Illinois physicians remained steadfast in their support for caps on non-economic damages, the centerpiece of comprehensive reform.

"We've seen the positive effect that capping non-economic damage awards has had on other states' litigation environment," said new ISMS president, Craig A. Backs, MD, a Springfield internist. "Now that neighboring Missouri has passed this essential reform, Illinois is virtually surrounded by states with caps. Our state legislators must follow suit and enact meaningful litigation remedies before access to medical care further erodes in Illinois," Dr. Backs emphasized.

An analysis conducted by ISMS found that medical liability jury awards in Cook County soared again in 2004. The average 2004 award totaled almost \$5.4 million, an enormous increase of 21 percent, or \$926,000, over the 2003 average.

Physician delegates discussed a number of other medical policy issues at the April meeting, from cosmetic surgery taxation and tobacco use, to childhood obesity and direct-to-consumer advertising. Bills currently under consideration in the Illinois legislature would tax cosmetic procedures to fund stem cell research.

Edward Murnane, president of the Illinois Civil Justice League, keyed the Public Affairs Breakfast (see box on p. 8). The ICJL is a coalition of citizens, businesses, associations, professional societies, not-for-profits, and local governments working for fairness in the Illinois civil justice system.

*Coverage continues on page 6*

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NEWS FOR CHICAGO PHYSICIANS

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THE MEDICAL SOCIETY  
OF COOK COUNTY  
**medicine**

Newsletter, April 2005, Vol. 108, No. 5

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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.

## ***CMS presents resolutions***

CMS CONTRIBUTED A TOTAL OF 12 RESOLUTIONS; six were adopted, one was adopted as editorially amended, one substitute was adopted, three were referred for study and report back, and one was not adopted.

### ***Resolutions adopted***

- “Arbitration and Medical Liability” (Encourages the use of the Health Care Arbitration Act and monitoring the use of binding arbitration to reduce medical litigation; ISMS will distribute information about the Health Care Arbitration Act to members through its Web site.)

- “School Sports and Medical Economic Liability” (Directs ISMS to notify school officials that some physicians have ceased practicing medicine in Illinois, a situation that may affect the availability of emergency care and care in certain specialties. The resolution encourages school personnel to assess this situation and the availability of emergency medical services on their premises. Notification would briefly outline the cause of physician departure from practice in Illinois.)

- “Treatment on Demand Initiative” (Supports initiatives to help those who are addicted to drugs and ask for help, and to advertise this support in appropriate venues; supports Cook County government and Illinois state government initiatives to implement substance abuse programs that are appropriately designed and monitored for quality, cost-effectiveness, and reduced recidivism. )

- “Smoking Ban” (Directs ISMS to introduce legislation for a statewide smoking ban in public buildings, restaurants and bars.)

- “Outsourcing of Medical Data” (Directs ISMS to

adopt policy stipulating that the outsourcing of medical and financial information outside of U.S. jurisdiction should meet with HIPAA regulations for the appropriate licensing of individuals providing services; forwards a similar resolution to the AMA; directs ISMS to propose legislation in Illinois accomplishing the same.)

- “Physician Prescription Patterns” (Directs ISMS to adopt policy ensuring that physician review of a doctor’s prescribing patterns be performed as outlined in California’s SB 1782 before legal action can be taken; directs ISMS to adopt policy for the timely return of medical records seized during legal investigation; that ISMS introduce a bill similar to California’s SB 1782 in the General Assembly.)

- “Tobacco-Free Legislation for all Illinois Correctional Facilities” (Directs ISMS to support legislation (based on a California model) banning tobacco products in the Illinois Department of Corrections facilities; directs ISMS to join CMS in contacting all Illinois county medical societies, encouraging support for legislation banning tobacco products in all Illinois correctional facilities.)

- “Combating Obesity in Children” (Directs ISMS to support legislation to prevent and reduce the incidence and prevalence of obesity and to establish wellness policies in the schools and increased standards for physical fitness in K-12 schools).

### ***New officers elected***

The new officers elected were Craig A. Backs, MD, (Springfield) president, Peter E. Eupierre, MD, (Chicago) president-elect; Richard A. Geline, MD, (Skokie) was re-elected as chairman of the Board of Trustees.

## ***Grassroots advocacy starts with you!***

SPEAKING BEFORE THE ISMS HOUSE OF Delegates meeting in Springfield, Edward Murnane, president, Illinois Civil Justice League, couldn’t have been more emphatic about the need to solve the medical liability crisis. “The most important thing that we all should be doing is mounting a massive grassroots campaign to convince doubting legislators that we have a serious problem.”

Pointing out that Southern Illinois is leading the way in pushing tort reform, Mr. Murnane made the following key points as he called for the rest of the state’s health care community to do more:

- The medical community in Southern Illinois—doctors, hospitals, nurses and many others—worked tirelessly in the campaign for the Illinois Supreme Court. They knocked on doors,

*Continued on page 8*

## **Grassroots advocacy starts with you!**

put signs out, made telephone calls, distributed campaign information in their offices, wrote letters to the editor, called radio talk shows, and communicated with their patients, friends, families and neighbors and THEY did the same thing.

- And of course that effort worked...in a big way. Not only was it largely responsible for the election of a Supreme Court justice, and the removal of an appellate judge from his office, but it attracted the attention of virtually every other elected official in Southern Illinois.

- As much as we'd like to think that these legislators have undergone a miraculous conversion, the reason for their change of heart and willingness to support reform is because they have seen how motivated the public is; how passionate their constituents have become, and they translate that into votes. They want to stay in office.

- The other significant aspect of this entire medical litigation crisis is that the news

media--and thus the public AND legislators --in the northern half of Illinois are not focused on the problem. When the Senate leadership pulled the rug out from under the medical liability reform bill in March by moving it from a committee where a favorable vote would have been taken and putting it into a committee that virtually kills it, it was big news throughout Southern Illinois but barely had a mention in the Chicago area or elsewhere in Northern Illinois.

- There are enough legislators who are either opposed to reform or are sitting on the fence right now in the Chicago metropolitan area who COULD be convinced to vote for reform if they learned the crisis is having an impact on their constituents. They might be swayed, but we'll never know unless we make the effort. All of us.

*The Chicago Medical Society recognizes the urgent need for physician involvement in tort reform. To see how you can participate, please contact James Tarrant, CMS executive director, at [jtarrant@cmsdocs.org](mailto:jtarrant@cmsdocs.org), (312) 670-2550.*

## **Group letter supports medical litigation reform**

A JOINT LETTER SIGNED BY 48 PHYSICIAN organizations voices support for ISMS' efforts to achieve meaningful medical litigation reform, and also calls on the Illinois General Assembly to pass caps on non-economic damage awards and other provisions detailed in SB 150 and HB 705.

The open letter represents the overwhelming majority of Illinois' medical community.

"To suggest that ISMS does not adequately represent all of medicine because not all Illinois doctors belong to the Medical Society is ludicrous. Accepting this logic is akin to accepting that an elected official does not represent the constituents of his or her district because some of those constituents did not vote—or did not vote for the elected representative," the letter reads.

"We will not accept onerous insurance reform as the "solution" for Illinois litigation excesses.

The problem is not with our insurers. There are already too few insurers in Illinois. Currently, only five insurers write nearly all of the business in our state, down from over 30 insurers only a few short years ago."

## **AMA leader to address Council**



**Nelson**

AMA PRESIDENT JOHN C. Nelson, MD, MPH, will address the CMS Council June 7. During his term, Dr. Nelson has advocated for medical liability reform, expanding health care coverage, and improving clinical quality and patient safety, among others. Dr. Nelson is an obstetrician-gynecologist from

Salt Lake City, Utah.

*For information on attending, contact Cathy Faedtke at (312) 329-7322.*

## AMA SURVEY

### **Physicians must lobby to halt Medicare payment cuts**

THE LATEST AMA MEMBER CONNECT SURVEY on the projected Medicare payment cuts indicate more bad news:

- Thirty-eight percent of physicians surveyed say they'll be forced to decrease the number of new Medicare patients they accept into their practices if Medicare payments are cut by five percent in 2006.
- Sixty-one percent of physicians plan to defer purchase of new medical equipment and 54 percent plan to defer purchase of information technology.
- Fully one-third (34 percent) of physicians whose practice serves a rural patient population said they would be forced to discontinue rural outreach services if payments are cut in 2006.

In March, the 2005 Medicare Trustees Report projected sharp Medicare physician payment cuts of 26 percent over six years beginning in 2006. The first cut scheduled for 2006 is 5.2 percent. That same report indicates the cost of running a practice and caring for patients will increase by 15 percent during the same time. This means an average yearly decrease in reimbursement of \$19,000 for Illinois physicians.

MedPAC, an independent federal body that ad-

vises Congress on issues affecting the Medicare program, has recommended that Congress stop the Medicare physician payment cut in 2006 and instead increase payments by about 2.7 percent so that Medicare physician payments keep up with medical inflation. In fact, MedPAC has recommended that the flawed Medicare physician payment formula be replaced by a system that reflects practice cost inflation—the same approach used by hospitals and nursing homes.

*Please contact your U.S. Senators and Representative today to urge them to stop the cuts and fix the flawed formula. To reach them by phone, use the AMA's toll-free Grassroots Hotline at 1-800-833-6354. To find their addresses, go to [www.cmsdocs.org](http://www.cmsdocs.org), click under "Advocacy."*

#### **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.*

## Socialize at French events; CME Cruise launches in '06

*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.*

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

● **Les Deux Autres -- "Taste of Spring--French Wine Dinner"** WEDNESDAY, MAY 18, 7 P.M., 462 PARK BLVD., GLEN ELLYN

Join chef Gregory Lutes and special guest Sergio Valsechi of Distinctive Wines, who will guide us through the wine pairings for the evening's oh-so-French dinner. The evening begins with a Champagne reception, followed by a menu of: chilled bouillabaisse terrine, sauteed soft shell crab, roasted rack of Jamison Farms lamb, morels, asparagus and fingerling potato, with strawberry almond tart for dessert. \$100 per person.

● **Cerise -- "2nd Annual Springtime in France"** SATURDAY, JUNE 4, 6:30 P.M., WITH SPECIAL GUEST ROBERT SCAROLA, AUTHOR, "MAKE MINE MEDIUM RARE, A DINER'S SURVIVAL GUIDE," LE MERIDIEN HOTEL, 521 N. RUSH ST., CHICAGO

Chef David Burns has created a French-influenced contemporary American menu, paired with Champagne Cognac and wines, appetizers, chilled cucumber and curry soup with lump crab meat, pan roasted sea scallops with a fricassee of wild mushrooms and asparagus, Alaskan halibut, lamb loin en crouete with spring vegetables, and for dessert, warm cherries in brandy with lavender and thyme with a Tahitian vanilla bean gelato. \$94 per person.



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For more information, contact Donald Newcomb at (708) 383-7543; [donaldnewcomb@comcast.net](mailto:donaldnewcomb@comcast.net).

Or go to the ChicaGourmets Web site: [www.chicagourmets.com](http://www.chicagourmets.com).

To reserve for ChicaGourmets events, please prepay by sending in your check, and identify yourself as a CMS member. (Memberships will be verified.)

Send checks to: ChicaGourmets, UPS Store, PMB 347, 47 W. Division St., Chicago, IL 60610-2220.

For more details, view the ChicaGourmets website: [www.chicagourmets.com/](http://www.chicagourmets.com/). Or, go to the Chicago Medical Society website: [www.cmsdocs.org/](http://www.cmsdocs.org/) and click on "links," then 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)

### **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 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](mailto:swarner@cmsdocs.org)



## CLASSIFIED ADS

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### Personnel wanted

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**GENERAL SURGEON WANTED** FOR hospital-based position. Full- or part-time. Send CV to Thorek Hospital, 850 W. Irving Park Road, Chicago, IL 60613.

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**CHICAGO--PHYSICIANS NEEDED, OB-GYN,** full- or part-time. Pregnancy terminations, tubal sterilization, infertility and other services. Downtown and suburban Chicago locations. Full- or part-time, hourly and salaried positions available. Residents welcome, will train. Malpractice insurance available. Mail CV to Administrator, 1640 N. Arlington Heights Rd., Suite 110, Arlington Heights, IL 60004; or fax to (847) 398-4585; or email tammy.s@covad.net.

**PHYSICIANS NEEDED--FULL- OR PART-** time available. Downtown Chicago and suburban Chicago locations, northwestern and western suburbs. Urology, GI, and anesthesiology specialties wanted. Residents in Illinois programs welcome. Malpractice insurance available. Hourly or salaried positions available. Mail CV to Administrator, 1640 N. Arlington Heights Rd., Suite 110, Arlington Heights, IL 60004; or fax to (847) 398-4585; or email: Tammy.s@covad.net.

**AN ILLINOIS LICENSED DOCTOR WITH** 1-5 years of experience is needed to join a well-established practice with possibility of partnership. Call (708) 779-5070 from 10 a.m. - 4 p.m.; or (708) 351-4100 or (847) 630-7358 (Rodelia).

**FULL-TIME OR PART-TIME INTERNIST** for busy internal medicine office. Please fax CV to (773) 721-8963.

**WANTED: GENERAL PRACTICE PHYSI-** cian in western suburbs. Full- or full-time. Email: drkuchipudi@aol.com.

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