



EXPANDING OPTIONS

CMS Agency adds ProNational Liability Insurance

Five companies now available

THE CMS INSURANCE AGENCY HAS been named an independent agent to represent ProNational, a division of ProAssurance of Birmingham, AL. ProNational is the second primary carrier to directly contract with the Agency, and the fifth medical liability company available to CMS members through the Agency.

Steven M. Malkin, MD, CMS president, is pleased that ProNational (formerly PICOM) follows ISMIE Mutual as one of the two physician-founded companies offering in-

surance to our members. "We have gone from nearly 40 carriers in 2000 to five primary carriers today. This relationship will help our physicians seeking coverage options, whether they have been non-renewed or are faced with a company leaving the state."

Recently, ProNational purchased the Wisconsin-led PIC Wisconsin Medical Liability Company. ProNational was founded as a Great Lakes-based company. A.M. Best rates ProNational "A-" (excellent). In addition, Red Mountain, a ProAssurance affiliate, is available to members who may not be eligible for the standard markets represented by ProNational or Illinois-based ISMIE.

"THE FIXER"

Caught between a rock and a hard place with liability insurance?

A CMS MEMBER WHO HAD BEEN MENTORING two younger physicians contacted the CMS Insurance Agency about a crisis involving the younger physicians' medical liability insurance. The senior physician had

previously decided to leave his insurance carrier upon renewal of the group policy. He believed at the time that the carrier had accepted the two younger physicians and would continue covering them even after he left. But the carrier decided not to renew both young physicians because of changes that occurred a few years earlier, when the founding physician retired. These changes undermined the group policy.

Initially, the two less experienced physicians had been accepted because they were joining a group insured by the carrier. Now, after several months, they were told that upon renewal, each of their policies would be cancelled. In the current medical liability market, even the most experienced physi-

continued on p. 2

cians have difficulty navigating on their own, but it’s even tougher for relative newcomers.

Prior to seeking the Agency’s counsel, the physician group had turned to its agent of record, but was advised to accept the carrier’s decision. Furthermore, the group was advised to “make do” with impractical adjustments and perhaps have the group members become independent contractors,

with more than one carrier providing coverage.

The senior physician deserves credit for not giving up the ship. The Agency worked with him to seek a positive outcome rather than follow the advice of his previous broker. The Agency was able to work within the carrier’s guidelines and reach an amicable solution, allowing both younger physicians to maintain their coverage with the carrier.

CMS Insurance Agency: two years old and growing dramatically

Run by physicians for physicians

TWO YEARS AGO THE CHICAGO MEDICAL Society formed the CMS Insurance Agency as an additional benefit to Chicago-area doctors. The Agency is the only medical society-sponsored agency in Illinois and prides itself on being run by physicians for physicians.

The Agency’s primary mission is to advocate for physicians in two categories: 1) those who are content with their current carrier, but want to maximize their credit potential and fully understand coverage options; or 2) those who need thorough assistance in finding a suitable carrier based on price and stability. Both services are available at no extra cost.

Using earned commission dollars, the Agency is proud to sponsor CMS legislative advocacy, educational programs and social functions, which are vital to membership recruitment. While the Agency has a modest overhead cost, its sponsorship provides a strong secondary source of revenue for organized medicine. It helps CMS continue to work hand-in-hand with ISMS for causes

important to physicians. **The Agency’s services do not cost a penny more on physician members’/policyholders’ premium notices.**

The Agency has grown dramatically in the last two years, covering mostly Chicago-based physicians with individual or group policies. Recent issues of *Chicago Medicine* have documented the Agency’s knack for helping doctors out of difficult situations such as non-renewal and non-acceptance of applications.

The Agency can serve physicians in all specialties with their medical liability needs. It has direct contracts with ISMIE Mutual and ProNational (formerly known as PICOM) as well as access to several other standard and non-standard carriers either directly or through some of the best Midwestern wholesalers.

The Agency leadership has recruited experienced staff members with outstanding backgrounds in insurance. Agency staff is available Monday through Friday between 8:15 a.m. and 4:30 p.m. at (312) 329-7337 or (312) 329-7346. For assistance after hours or over weekends, call (312) 835-8899.

Insurance inquiries? Meet Dana Lucas, your agency representative



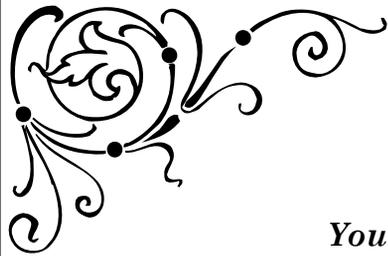
Lucas

CMS IS PLEASED TO WELCOME Dana Lucas as the newest addition to the CMS Insurance Agency. Ms. Lucas represents medical liability insurance carriers and assists doctors with their insurance inquiries. She also handles marketing for the Agency.

Ms. Lucas has five years of in-

surance underwriting experience. Prior to joining the Agency, she worked for Aon Corp. in Chicago where she was an assistant professional liability underwriter. Two years ago she became a licensed insurance agent in the state of Illinois. Now Ms. Lucas works on the other side of the business, servicing medical malpractice insurance policies.

A native of Chicago, Ms. Lucas has a bachelor’s degree in marketing from DePaul University.



You are cordially invited to attend the

Annual Meeting and Dinner

of the Chicago Medical Society

Honoring

Shastri Swaminathan, M.D.

as President of the Chicago Medical Society



Sunday, June 4, 2006

6:00 p.m. Cocktail Reception

7:00 p.m. Dinner

Union League Club of Chicago

65 W. Jackson Blvd.

Chicago, Illinois

*Entrée Selection: Filet Mignon, Salmon Filet, or Pasta Roulade
To RSVP, please return the form below.*

.....
Please arrange for:

____ Reservation(s) \$85 per person

Payment Method:

Check or Money Order Enclosed

Please make checks payable to Chicago Medical Society

MasterCard Visa

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Address: _____

Credit Card No: _____

Daytime Phone: (____) _____

Expiration Date: ____/____



Entrée Choice: Beef Fish Vegetarian

Signature: _____

Please respond on or before May 26, 2006 to Hilary Westover
(312) 670-2550 or fax to (312) 670-3646

Reservations by mail should be sent to:

Chicago Medical Society, Annual Dinner, 515 N. Dearborn Street, Chicago, IL 60610.

"FIGHT STILL AHEAD"

ISMIE Mutual cuts average premium

AS REPORTED IN OUR MARCH ISSUE, ISMIE Mutual has announced cuts in average premiums by 5.2 percent for 2006-2007. While crediting the modest reductions in claims frequency and a relatively flat number of claims closed with indemnity payments, Chair Harold L. Jensen, MD, cautioned that "physicians still have a fight ahead to assure a viable climate in which doctors are able to practice."

Litigation reform has not yet slowed the continued upward climb of severity. "Our actuaries estimate the ultimate cost of a claim filed in 2005 will be, on average, more than \$600,000, and 2006 claims will surpass \$700,000," said Dr. Jensen. "Consideration of severity is crucial to the ratemaking process. Once caps pass constitutional muster," he said, "we are confident they will work effectively to reverse this alarming trend."

ISMIE's 2006 average premium reduction means the company will collect from policyholders 5.2 percent less in total premium dollars than in the prior policy year. ISMIE physicians will still pay varying individualized premium levels, based on their practice locations, medical specialties, discounts earned, and other risk factors.

(ADVERTISEMENT)

To sign up, please fill out the broker of record letter on the facing page.

CMS INSURANCE AGENCY, INC.

THE CMS INSURANCE AGENCY, INC.

CAN NOW SERVE AS YOUR AGENT.

The Agency is a proud sponsor of Chicago Medical Society activities and programs.

*THE CMS INSURANCE AGENCY,
THROUGH SPONSORSHIP GRANTS:*

- Supports CMS grassroots legislative advocacy, educational programs and seminars, and social events (annual dinner, golf outing, etc.).
- Supports CMS efforts to advocate on your behalf with state and federal representatives.
- Will work with carriers to provide risk management seminars and office assessments so physicians can meet discount eligibility requirements.

***There is no added cost
to your liability premium.***

*For more information, please contact:
Phil Seroczynski, CMS Insurance Agency, Inc.,
(312) 329-7346.*

Wisconsin reinstates cap on noneconomic damages

WISCONSIN GOV. JIM DOYLE ON MARCH 22 signed legislation that restores limits to noneconomic damages in medical liability cases there. The bill caps jury awards for pain and suffering damages at \$750,000, but continues to offer unlimited awards for economic losses, such as lost wages and medical costs.

The AMA supports and assists state medical societies in crafting the best possible solution at the state

level. Nationally, the AMA supports legislation based on proven reforms, including a \$250,000 limit on noneconomic damages in medical liability cases.

Last July, the Wisconsin Supreme Court invalidated the cap that had been in place for almost 10 years. The Governor signed AB 1073 into law, following overwhelming support in the Senate (25-8) and Assembly (74-22).

NEWS FOR CHICAGO PHYSICIANS



Newsletter, April 2006, Vol. 109, No. 5

515 N. Dearborn St.
Chicago IL 60610

James R. Tarrant, CAE, *Executive Director*
Liz Sidney, *Co-Editor/Editorial*
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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 2006, *Chicago Medicine*. All rights reserved.

To: ISMIE Mutual Insurance Company

Attn: Laura Hutchinson

I hereby authorize the CMS Insurance Agency, Inc., to serve as my broker of record for the purpose of placing and servicing my medical professional liability insurance with ISMIE Mutual Insurance Company.

This authorization is effective until superseded by a countermanding authorization letter.

Full Name Printed

Signature

Date

Doctor: We suggest you photocopy this page onto your letterhead and either fax to: (312) 670-3646, or mail to:

Phil Seroczynski
Chicago Medical Society
515 North Dearborn Street
Chicago, IL 60610

THIRD DISTRICT (CMS) CONTRIBUTES RESOLUTIONS

Policy and public health fill agenda at ISMS House of Delegates meeting



Dr. Thomas Chorba, standing, left, raises a question during the Third District meeting at the HOD. Seated next to him are Drs. William McDade, chairman, CMS Council, and Peter Eupierre, new ISMS president. Dr. Julian Rimpila, Council vice-chair, is at podium.

Dr. Eupierre takes ISMS helm

CMS MEMBERS JOINED THEIR COLLEAGUES from across Illinois to discuss policy and public health issues at the ISMS House of Delegates meeting April 7-8 in Oak Brook. This year, the deliberative body considered more than 100 resolutions and took action on a wide range of public health and advocacy issues. Topics included the *All Kids* program, health care access, flu vaccine availability, public safety, patient education, Medicare reimbursement rates, Medicaid payments, and continued medical litigation reform efforts. The meeting ended with the election of ISMS officers for 2006-2007.

State Senator and Republican Whip Peter Roskam spoke at the Public Affairs Breakfast on Saturday, giving his views on the state of health care in Illinois, as well as the national perspective. Senator Roskam is currently running for the Sixth District congressional seat of Rep. Henry Hyde, who is retiring in November.

The meeting ended with a changing of the guard, as outgoing ISMS President Craig A. Backs, MD, welcomed incoming President Peter E. Eupierre, MD, a CMS past president. On both meeting days, members of the CMS Third District met for lively lunchtime discussions to share meeting highlights and strategies for positive change. Talks focused on the Medicare SGR, balance billing, proposed Colorado legislation mandating transparency in standardized contracts between physicians and insurers, and the new Massachusetts law requiring all residents to buy insur-



Photos: Scott Warner, CMS

Dr. Jeremy A. Lazarus, vice-speaker of the AMA House, at mike, addresses the issue of unity as he speaks before the CMS Third District. Seated, from left, are Drs. Shastri Swaminathan, CMS president-elect, and Steven Malkin, CMS president.

ance. Jeremy A. Lazarus, MD, vice speaker of the AMA House, and Colorado psychiatrist, visited the delegation, all the time urging unity.

Resolutions debated

Resolutions from 2006

The Third District (CMS) contributed a number of resolutions; some from individual CMS HOD members, others were channeled through the CMS Council.

Highlights of those passed by CMS appear below:

- **Timely Filing of Claims**—*Adopted as Amended*
Adopts policy to support a one-year time limit from the date of service for the filing of claims for services; provides that the time limit also apply when claims have been filed with a payor who is later determined not to be responsible for the claim within the one-year limit, followed by the filing of a claim to a second payor within the second year; and pledges to bring a similar resolution to the AMA's next annual meeting.

- **Climate Change and Human Health**
—*Substitute Resolution Adopted*

Requests the AMA to 1) urge all physicians to learn more about the changes due to global warming; 2) urge both public and private sectors in the United States to advance policies that reduce reliance on fossil fuels and promote alternative clean and safe energy technologies; 3) urge the

continued on p. 8

THIRD DISTRICT (CMS) CONTRIBUTES RESOLUTIONS *(continued from page 6)*



Dr. Michael Treister, CMS trustee, debates an issue, as Dr. David Loiterman, trustee, looks on.

president of the United States to take steps to curb greenhouse emissions and work with other nations to address the dangers of global climate change through binding reduction targets for emissions; and 4) organize a task force representative of its membership to investigate global warming issues and propose programs and policies for action.

● **Tobacco-Free Legislation for All Illinois Correctional Facilities**—*Substitute Resolution Adopted*

Formally congratulates Sheriff Michael Sheahan for initiating a tobacco-free policy in the Cook County Department of Corrections; reaffirms ISMS support for banning tobacco products in Illinois Department of Corrections facilities; and pledges ISMS support for an amendment to the Unified Code of Corrections and an amendment to the County Jail Act that would ban tobacco products in all Illinois state prisons and county jails.

● **Support for Center for Health Policy and**



Law Comprised of the University of Illinois at Chicago College of Medicine and the Institute of

Dr. Anne Marie Dunlap, *left*, with Katie Skipton, CMS Student District co-chair.

Government and Public Affairs at the University of Illinois at Champaign-Urbana

—*Referred for Study and Report Back*

● **Healthy Eating in Schools**—*Referred for Decision*

Resolutions from 2005

● **Wrongful Life and the Legal System**—*Adopted*

Opposes any expansion of tort liability providing damages for an act or omission that permits a person to be born alive rather than aborted; opposes recognition of wrongful life lawsuits in Illinois by the courts or the General Assembly.

● **Pay for Performance**

—*Existing Policy Reaffirmed in lieu of Resolution 29 (A-05)*

Reaffirms existing ISMS policy endorsing the practice of evidence-based medicine and expert consensus when evidence is inconclusive. (HOD 2005)

● **Balance Billing**

—*Adopted in lieu of Resolutions 23 & 53 (A-05)*

Reaffirms existing ISMS policy supporting the right of physicians to balance bill Medicare patients; supports AMA efforts to eliminate the SGR methodology; encourages the AMA to introduce legislation allowing physicians to bill for the balance of their fee above the Medicare fee schedule; and forwards a similar resolution to the AMA's 2006 annual meeting.



Dr. Malkin with Dr. Saroja Bharati, secretary, CMS.

CMS EVENT SNAPSHOTS



Physicians could earn up to 15 CME credits during the Midwest Clinical Conference, March 22-23, at the Holiday Inn Chicago Mart Plaza. *Left:* attendees ask an instructor questions. *Above, right:* CMS President Steven Malkin, MD, attends one of the sessions.



CMS District 2 met at Monastero's Ristorante on Feb. 22, to hear Craig Backs, MD, ISMS president, discuss "Issues Facing Physicians in 2006." *Seated, from left:* Drs. Roger Rodrigues, Ismael Angulo, Zahurul Huq; *standing:* Mr. Jim Jacobsohn, ISMS staff; Drs. Joseph Murphy, Craig Backs, Ashwin Patel, and Mr. James Tarrant, CMS executive director.



The CMS Student District met on Friday, April 21, at Rock Bottom Brewery and Restaurant to socialize with their peers and visit with Dr. Peter Eupierre, ISMS president, and past president, CMS. *Pictured (from left):* Swathi Arekapudi (Northwestern University), district co-chair, Krishi Chanduri (Chicago Medical School), Katie Skipton (University of Chicago), district co-chair, Chintan Desai (Northwestern University), and Dr. Eupierre.

STRICTER BANS URGED

Illinois lags in smoking prevention programs

A RECENTLY RELEASED REPORT BY THE Campaign for Tobacco-Free Kids showed Illinois ranked 34th among states in spending on smoking prevention programs. The Washington, DC,-based advocacy group also said Illinois spends only 17 percent of the annual expenditure recommended by the U.S. Centers for Disease Control and Prevention.

Citing these statistics, anti-smoking advocates, local officials and health-care providers called on the legislature to increase state spending on prevention efforts and urged more local governments to adopt stricter bans on public smoking. They suggested higher licensing fees for retailers who sell tobacco.

Supporters gathered at a community health forum organized by Alexian Brothers Hospital Network to make their demands.

Illinois currently receives about \$285 million a year as part of the landmark 1998 settlement with the big tobacco companies, according to the Illinois Department of Public Health. But for each of the last three years, the state has earmarked only about \$11 million of those funds for anti-smoking efforts, said Janet Williams, spokeswoman for the Illinois Coalition Against Tobacco.

Source: Chicago Tribune

An alternative to DNR?

A NEW IDEA IS BEING PROMOTED THAT would replace the concept of DNR (do not resuscitate), a term which often confuses or terrifies patients and their families. The Allow Natural Death (AND) concept is intended for patients who are dying or in a terminal condition and have indicated they want no extraordinary measures to be taken at a critical time. It would ensure that everything being done for the patient—including the withdrawal of nutrition and hydration—would allow the dying process to occur as comfortably as possible.

So far, this new AND concept has been presented to about 100 hospitals throughout the United States and to many hospices and nursing homes.

To learn more, go to www.hospicepatients.org/and.html

*Look for the Chicago Medical Society
on-line at www.cmsdocs.org*

Lawmakers, nutrition activists target junk food

National bill would toughen nutrition guidelines; state effort rebuffed

A BILL SPONSORED IN APRIL BY SEN. TOM Harkin (D-Iowa) would require the Department of Agriculture to update its definition of “foods of minimal nutritional value,” the standard that tells schools what they can sell in cafeterias.

Critics say the 1979 guidelines don’t apply to food sold outside the cafeteria in vending machines or at on-campus stores and snack bars at high schools and middle schools. Nor do the guidelines focus on reducing calories, saturated fats, trans fat, added sugar and other unhealthy items.

Nationwide, many local school systems have already taken steps to limit or ban junk food. But in April, a legislative review panel thwarted Gov.

Rod Blagojevich’s attempt to limit junk food in Illinois grade schools. Panel members said they opposed the strategy, not the governor’s goals. Some even said the plan wasn’t comprehensive enough. Governor Blagojevich vowed to “go back to the drawing board” in hope of passing legislation in time for the next school year.

Chicago’s 613 public schools ban soda, candy and fried chips from being sold anywhere on school grounds, no matter the grade level.

CMS has recognized obesity as an emerging health problem in a number of resolutions; the Council will soon be considering *Healthy Eating in Schools*, a resolution calling for the adoption of legislation in Illinois similar to Maine’s healthy eating legislation regulating food in public and private schools. The resolution further requests ISMS to introduce legislation in Illinois based on the Maine model.

Source: Chicago Tribune

CMS-SPONSORED TRAVEL

Report from the Caribbean: CME cruise was cathartic



CMS treasurer William Werner, MD, left, and Joseph Leija, MD, take the helm of the Seabourn Legend during the recent Caribbean cruise. Dr. Werner taught a CME course on "Travel Medicine."

UPON BOARDING THE SEABOURN LEGEND in Port Everglade, Florida, CMS members and their companions were treated to an exceptional Caribbean cruise experience March 19-23, 2006. With less than 200 passengers, the crew of 160 was available to provide every creature comfort without delay. Open dining meant a choice of gourmet options and the opportunity to meet many of our fellow travelers.

A complimentary two-day course on "Travel Medicine" was offered to CMS members and was approved for up to four hours of Category 1 CME

Cruise the Saone and Rhone Rivers of France

VISIT THE VINEYARDS OF THE FRENCH countryside (plus optional stay in Paris), aboard the Viking Burgundy, Sept. 17-24 or 17-27 (with Paris option). Visit Avignon, Toumon, Lyon, and Beaune during the seven-night cruise.

Contact: Beverly Hills Travel (877) 765-6874.
(See ad on facing page.)

credit. We also were treated to dinner at the ship doctor's table, a tour of the bridge with the navigational officer, and a tour of the galley with the ship's French chef.

On-shore excursion options included a fascinating trip to Puerto Rico's tropical rain forest, a private viewing in an art gallery in old San Juan, and an ecology hike on the beautiful island of St. John, U.S. Virgin Islands, that ended with a swim on one of the world's most beautiful beaches. Given the success of this initial CME cruise, I am tempted to start planning another one soon.

William N. Werner, MD, MPH
CMS treasurer

DELIGHT IN DINING

ChicaGourmets is Chicagoland's premiere fine-dining group, and is endorsed by the Chicago Medical Society Service Bureau. As a benefit of your CMS membership, you will receive the ChicaGourmets discount for all events.

To find out about the many upcoming events, view the ChicaGourmets Web site:

www.chicagourgourmets.com/

Or, go to the Chicago Medical Society Web site:

www.cmsdocs.org/

(Go to "Services," click on "links," then go to the ChicaGourmets Web site.)

For further information, contact: Don Newcomb, founder, ChicaGourmets
(708) 383-7543; e-mail: donaldnewcomb@comcast.net



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- Day 1**
 Avignon, France
 Board the Viking Burgundy
 Welcome Dinner
-
- Day 2**
 Avignon-Arles-Walking tour of
 Arles with optional visit to Les
 Baux and St. Remy.
-
- Day 3**
 Avignon, - Walking tour of
 Avignon, "City of Popes".
 Optional visit to Chateauf- du-
 Pape.
-
- Day 4**
 Toumon - Excursion to Tain l'Her-
 mitage.
-
- Day 5**
 Vienne/Lyon - Walking tour and
 mini train. Leisure time to explore
 the gateway to Lyon.
-
- Day 6**
 Lyon - City tour of Lyon, the heart
 of Provence.
-
- Day 7**
 Beaune - Enjoy our last day with
 a Burgundy wine tour and after-
 noon at leisure.
-
- Day 8**
 Chalon-sur-Saone - Transfer to
 airport for flights home or Paris.

Paris
 (optional)

September 24-27

- Day 8**
 Private coach transfer to Paris
 and check-in to our hotel
 Optional dinner at Sacre Coeur
-
- Day 9**
 Half Day tour of Paris including
 views of the Eiffel Tower, Champs
 Elysees and the Left Bank.
 We'll have plenty of options for
 afternoon and evening activities
 as a group.
- Meals: Breakfast**
-
- Day 10**
 Day at leisure to explore this
 enchanting city that you've always
 dreamed of visiting.
 Let's get together and have dinner
 at one of the "in" spots.
- Meals: Breakfast**

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Our seven-night cruise aboard the Viking Burgundy will show us the most beautiful vineyards and vistas of the French Countryside. As we cruise along the Saône and Rhône Rivers, we'll explore the famed region of Burgundy, the lavender scented hills of Provence and the wild, majestic scenery of the Ardèche region. It is no wonder the beautiful city of Arles was an inspiration to Vincent Van Gogh and we can't help but step back in time as we pass the ancient Roman ruins scattered along the way. Best of all, we'll indulge our taste buds on the sumptuous cuisine of the region and the fabled wines of Burgundy in the company of friends from ChicaGourmets! Join us for an amazing adventure!

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