

chicago CHICAGO MEDICAL SOCIETY THE MEDICAL SOCIETY OF COOK COUNTY **medicine**

Newsletter, August 2004, Vol. 107, No. 11

MEDICAL COMMUNITY "STANDS UNITED"

Getting the liability message out in the media

CMS MEMBERS WERE AMONG THE 15 leaders of state and local medical groups to sign a letter to *Crain's Chicago Business* supporting the Illinois State Medical Society's efforts to solve the medical liability and litigation crisis. The letter, which appeared in the Aug. 2, 2004, issue, praises ISMS-led efforts to defeat a sham "asset protection" proposal introduced by the Illinois Trial Lawyers Association that would require settlement of all suits filed.

Answering the trial lawyers' suggestion that ISMS does not, in fact, represent Illinois physicians and how, in the words of attorney Robert Clifford, physicians need to be

made aware of "how their purported lobbyists actually are working against their interest in Springfield," the authors wrote: "Make no mistake: The medical community stands united with the Illinois State Medical Society and its efforts to bring sanity to our litigation system and preserve access to health care for Illinois citizens."

On another front, CMS President Peter E. Eupierre, MD, and Executive Director James R. Tarrant, CAE, co-authored a pro tort-reform essay this month for *Chicago Image Magazine*, a consumer magazine dedicated to informing, entertaining and educating Chicagoans about health, medical and wellness issues. Titled "Why be Concerned

(Continued on page 2)

OUR AGENT IS ON CALL FOR YOU

CMS Insurance Agency up and running

Society responds to membership's liability coverage needs

SOME OF YOU MAY HAVE RECEIVED A survey from CMS recently asking you to provide basic insurance information. *(If you did not receive a survey, please fill out the form*

on page 3 and mail or fax it to CMS.) Returning the survey will help CMS identify the insurance needs of its members and track the PLI climate.

The new agency has met all Department of Insurance requirements, and all necessary contractual agreements, licenses and insurance are in place.

Mr. Edward Kuhn will represent CMS as our licensed agent. Mr. Kuhn has experience with medical liability insurance and assisting physicians who are having difficulty obtaining insurance. Mr. Kuhn's office will be in the CMS building.

(For more information, call Mr. Kuhn at (312) 670-2550, ext. 322.)

LIABILITY MESSAGE *(continued)*

About the Health Care Crisis?" the article examines salaries of a couple of local ob-gyns and the effects of caps in California on lawyers and patients.

The article is accompanied by a piece from Kevin J. Conway, president of the Illinois Trial Lawyers Association.

To read the articles, go to www.chicagoimage.net

Tort reform -- Is it "useless" to talk to legislators?

"WHY EVEN BOTHER TO TALK TO LEGISLATORS about tort reform? Nothing will be done until so many doctors are forced to leave the state that people start dying from lack of care."

That pointed remark was made by several physicians at the CMS Branch Presidents' Meeting on Aug. 5. And unfortunately, this pessimistic view is common among many physicians.

Yet nothing could be further from the truth. Something can be done--and is being done:

- CMS has hosted two separate rallies at Daley Plaza and the Federal Building. We have delivered petitions to Senator Durbin and Governor Blagojevich, held meetings with legislative representatives, sent letters to the editor, provided op-ed pieces to the media, and collaborated with the Chicago City Council.

- This fall CMS will roll out "Access to Care Rallies" and host monthly legislative breakfast meetings. CMS is currently working with hospitals to plan rallies in various regions of Cook

County, and host legislative Branch breakfasts and other meetings where physicians can meet face-to-face with politicians and discuss the impact of the medical liability crisis within each community.

- ISMS has just completed a marathon session to resolve Illinois' medical liability crisis. The state organization supported and promoted Senate Amendment 5 to HB 4847, and House Amendment 5 to SB 2239. The bills included changes to Illinois' litigation system to reduce the number of frivolous lawsuits filed against physicians and protect physicians' personal assets. It also enhanced medical discipline and increased regulation of malpractice insurance companies. ISMS also led efforts to defeat a sham "asset protection" proposal introduced by the Illinois Trial Lawyers Association. The efforts of ISMS leadership will be crucial this fall when state lawmakers reconvene.

Branches encouraged to host pols

DO YOU WANT TO HAVE AN IMPACT ON your legislators in Springfield or Washington? CMS urges you to consider holding a Legislative Breakfast at one of your Branch meetings. Legislative Breakfasts are an excellent way to complement our advocacy efforts. We can help identify potential speakers and assist you in making invitations and all arrangements.

For information, please call Ted Kanellakes at (312) 670-2550, ext. 342.

Find us online at CMS Internet address www.cmsdocs.org

NEWS FOR CHICAGO PHYSICIANS

chicago
CHICAGO MEDICAL SOCIETY
THE 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. Postmaster: Send address changes to *Chicago Medicine*, 515 N. Dearborn St., Chicago, IL 60610. Telephone: (312) 670-2550. Copyright 2004, *Chicago Medicine*. All rights reserved.

The Chicago Medical Society

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CMS INSURANCE AGENCY, Inc.

Chicago Medical Society responds to membership.

At the request of the CMS Council we have formed an insurance agency, *The CMS Insurance Agency, Inc.* To assist us in helping our 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 Chicago Medical Society, 515 N. Dearborn Street, Chicago, IL 60610-4369.

Physician Name (or Group) _____

Medical Liability Insurance Company _____

Date of Medical Liability renewal _____

Medical Specialty _____

Health Insurance Carrier _____

Date of Health Insurance renewal _____

Email address _____

Office Contact Person _____

Phone Number _____

*If you have any questions, please contact:
Mr. Ed Kuhn, CMS Agent
(312) 670-2550 ext. 322, or ekuhn@cmsdocs.org.*

CAPS GAIN SUPPORT

Change comes slowly--Perseverance, patience and persistence are key

AN INCREASING NUMBER OF ILLINOIS STATE lawmakers now support caps on non-economic damages. Public opinion polls also show that the public has begun to understand the significant adverse effect that an out-of-control system is having on access to care in the communities.

But this shift in thinking did not come overnight. It came through the tireless efforts of physicians, acting individually and speaking through their advocacy organizations, to make this progress.

Some say it takes seven years to shepherd a new law through the legislature. Let's look at some typical legal journeys:

In Texas, civil justice reform didn't come easily. The state, which passed an amendment to its constitution last September, passed tort reform legislation in 1977, only to see it struck down in 1988 by the Texas Supreme Court as unconstitutional. In Illinois, legislation providing for caps, a review panel, and loser pays law passed the legislature in 1975, only to be declared unconstitutional by the Illinois Supreme Court in 1976. In 1985, legislation providing for attorney contingency fees, pre-trial screening panels, a loser pays policy, structured verdicts, affidavit of merit, abolition of punitive damages and collateral source offset passed the legislature. In 1995, the legislature passed a limit of \$500,000 on all non-economic lawsuit awards. This and other effective litigation reforms were declared unconstitutional in 1997.

The battle to remove physicians from the execution process was also a long-fought-for triumph. In 1991, Illinois passed a bill requiring the presence of at least two physicians in lethal injection executions and requiring that they pronounce death. The bill was strongly opposed by CMS, ISMS, and AMA, along with other health and humanitarian groups.

Following this professional outcry, in 1992 Illinois amended the law to remove the mandated witnessing role for physicians but kept intact the provisions about pronouncing death and anonymity. In 1993, the Justice Department eliminated those requirement, but it still did not prohibit physician participation in executions. Each year CMS, through ISMS, supported legislation to explicitly exclude health professionals from the execution statute, reverse the amendment of the Illinois State Medical Practice Act, and revoke the secrecy provisions as they relate to health professionals. For many years, this legislation languished in the rules committee and was not released for general debate in the senate. Finally, after years of controversy, legislation was enacted banning physicians from the execution process.

Making inroads takes time. Your membership and support are crucial to a successful outcome.

For membership information, and application forms to help recruit other physicians, please contact Ted Kanellakes, (312) 670-2550, ext. 331.

E-MEDICINE CONFERENCE: FALL 2004



Chicago

Medical Society

Cook County physicians will convene at this 1-day CME conference to assess the latest on an award winning electronic patient record system (EPR) and to learn more about e-prescribing and PDAs. Mark your calendar!

Date: Friday, November 5

Time: 8 a.m. - 4:30 p.m.

Location: Embassy Suites-O'Hare/Rosemont

Who should attend? All physicians including chief medical officers.



Up to 7 credits in Category 1

Look for your brochure in the mail or online www.cmsdocs.org.

Save the date!

TESTIMONY EXPOSES CONCERNS

CMS voices opinion on mandatory HMO enrollment of Medicaid-eligible patients

"PHYSICIANS IN COOK COUNTY ARE concerned about access to health care for the people of Illinois, and members of the Chicago Medical Society are very anxious about the impact of mandatory HMO enrollment of Medicaid-eligible patients into the fragile health care system."

So read a statement prepared by CMS and presented to the state's Medicaid Managed Care Task Force (PA 93-674) meeting on Aug. 9 at the Thompson Center.

Your Society is concerned. CMS gave testimony stating that before implementing an expanded Medicaid managed care program, the state must undertake careful study of all options and assess the impact on access and quality of care.

Here is a summary of that testimony, the first in what CMS plans as a series of statements addressing a mandatory program:

"In Cook County the potential impact of further reductions in reimbursement to physicians who are marginally able to remain open and on the edge of leaving the practice of medicine or moving to another location will significantly impact access and quality of health care. Many physicians are reportedly practicing at the margin already. The loss of only a few physicians in underserved areas of the city or county could also affect the viability of some hospitals serving those communities."

In July 2004, the Illinois Department of Public Aid (IDPA) described pharmaceutical spending as the cost driver for Medicaid budget growth. CMS believes that any consideration of moving Medicaid into managed care must carefully examine how this plan will reduce expenditures for drugs without reducing access to physicians.

IDPA also says that, "Under a voluntary managed care program, clients waive the right of freedom of choice in exchange for the benefits provided by a guaranteed network of providers." The Chicago Medical Society welcomes the opportunity to work with the Medicaid Managed Care Task Force in determining how many physicians would be willing to participate in such a program with declining reimbursements.

The fact that surrounding states with higher levels of Medicaid managed care programs have adopted medical liability reform and are the same states where Illinois physicians are moving their practices must be considered before any action to channel patients to fewer and fewer participating physicians.

According to the CMS testimony, the Illinois OB/GYN Crisis Coalition has reported that one physician said the loss of physicians performing obstetrics is increasing his practice volume, and that this influx allows him to choose patients, thus reducing the number of Medicaid patients his practice will accept.

In concluding its testimony, CMS said that the proposed Medicaid expansion in Illinois will pay too little attention to quality and access to care. The long-term impact will be loss of physicians and a shortage that will take years to overcome.

Join us in making changes

The Long-Range Planning Committee and Bylaws Committee will meet 10 am, Oct. 6, 2004, at the CMS Headquarters Building to discuss bylaws changes necessary to modify the CMS governance structure. CMS members are encouraged to attend the meeting to comment on the proposed changes. *To reserve a place, or for more information, contact Cathy Faedtke, (312) 670-2550, ext. 322.*

Attention, potential delegates, alternates
Serve your profession in Springfield

ARE YOU INTERESTED IN SERVING AS A delegate to the ISMS Annual House of Delegates meeting next April in Springfield? Your Branch may have vacancies for delegates and alternates. The Cook County Delegation needs members to help formulate policy and to help shape the future of medicine at local and state levels. A strong representational base gives CMS a greater voice in directing ISMS advocacy efforts.

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

No putts about it -- Give it a shot!
CMS LUNCHEON/GOLF OUTING
(After Golf--cocktails and awards)

Noon, Wednesday, Sept. 15
Ruffled Feathers Golf Club
1 Pete Dye Dr., Lemont, IL
Registration: \$100, CMS members
\$125 non-members

To register, contact Jen Troyer, (312) 670-2550, ext. 326
or jtroyer@cmsdocs.org

CMS members can enjoy Grecian delights at international brunch; "cruise news" snapshots

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

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.

● **The Cooking and Hospitality Institute of Chicago (CHIC) -- "Remembering Greece"**

SUNDAY, SEPT. 12, BRUNCH, 11:30 A.M.; 361 W. CHESTNUT AT ORLEANS.

ChicaGourmets is collaborating with CHIC on a new series of international Sunday brunches featuring guest chefs, wine importers, cheese makers, farmers, meat and seafood vendors. (And do visit the CHIC farmers market, open from 9 to 1 in the adjacent parking lot.) Guest chef Lampros Tzimas, of Dionysos Greek Taverna in Worth, Ill., has worked in leading hotel restaurants in Greece. He will serve a traditional Greek menu including appetizers, egg lemon chicken soup with rice, Greek salad, rack of lamb, oven baked chicken with Greek potatoes, baklava, and rice pudding. Member's price: \$39.



Dr. Richard Vacco and wife, Conceha, celebrated their 50th wedding anniversary this summer aboard the ChicaGourmets-sponsored Queen Mary 2 cruise.



Photos by Jim Price, ChicaGourmets

Don Newcomb, left, founder, ChicaGourmets, hosts former *New York Times* restaurant critic and author Mimi Sheraton at a special dinner and book signing June 28 at Seasons Restaurant. With Ms. Sheraton is CMS member Karen Weiss, MD, and Jerry Packer, president, ChicaGourmets.

● **TRAVEL:**

VALENTINE CRUISE ABOARD THE CUNARD QUEEN MARY 2, Feb. 12-19, 2005 (departs from Ft. Lauderdale). Itinerary includes San Juan, Puerto Rico, St. Thomas, Virgin Islands, St. Marteen. Included on the cruise are gourmet meals created by celebrity chefs Daniel Boulud and Todd English. For more information, contact ChicaGourmets.

* * *

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, Mail Boxes, Etc. PMB 347, 47 W. Division St., Chicago, IL 60610-2220.

For more details, view the ChicaGourmets website www.chicagourmet.com/. Or, go to the Chicago Medical Society website: 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@attbi.com.



CMS treasurer Dr. William Werner celebrated his birthday with wife, Ruthanne, aboard the ChicaGourmets Queen Mary 2 cruise in July.