

# Philadelphia Medicine



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## Society activities in December: an end-of-year effort

During the crucial month of December, Philadelphia County and Pennsylvania Medical Societies were active and aggressive in pushing for relief from oppressive professional liability insurance premiums. Emphasis was on Mcare abatement for all physicians and passage of a bill in the State Senate authorizing caps on noneconomic damages.

Early in December, Dr. Sheila Moriber Katz, PCMS President, re-

sponded to Governor Rendell and all State Senators and Representatives, urging them to work together to pass immediate relief so that healthcare does not shut down in the Commonwealth in the near future; to pass legislation to give the general public the opportunity to decide if it would like to change the Commonwealth's constitution and allow a reasonable limit on noneconomic awards; and to urge the Pennsylvania Supreme Court to adopt rules limiting contingency fees that lawyers charge.

PMS hosted a press conference in the Capitol media center on December 9, to alert the public and elected officials of the impending crisis in access to medical care. Statewide specialty organizations and county medical societies participated. Physician leaders met with the Governor and Senate and House leaders

Media events and interviews were increased, emphasizing departure of high-risk specialists, emergency room overcrowding and the impact on primary care at the local level. PMS President Dr. Jitendra Desai participated in a live Pennsylvania Cable Network call-in show to discuss the meltdown due to the medical liability insurance crisis

Other media events and advertising were conducted in the areas of legislators who were considered swing votes. Discussions and initiatives were intensified with stakeholder groups such as hospital and business community leaders, the Citizens Against Lawsuit Abuse (CALA—formerly the Civil Justice Coalition) and other physician organizations such as the Politically Active Physicians Associations (PAPA).

Please see PCMS activities on page 3

*PCMS was one of the 60 county medical societies that sent a joint letter with the Pennsylvania Medical Society to Governor Rendell and all State Senators and Representatives, urging them to work together to pass immediate relief so that healthcare does not shut down in the Commonwealth in the near future...*

sponded to a letter from Governor Rendell. Dr. Katz said that effective tort reform can best be achieved by enacting measures to limit noneconomic damage awards; extending 100% Mcare relief for all physicians; extending Mcare abatement until the Mcare Fund is gone and/or Pennsylvania physicians are relieved of the responsibility for the cost of the Fund's unfounded liability; and funding full Mcare abatement through increased "sin taxes" on cigarettes and/or alcohol.

PCMS was one of the 60 county medical societies that sent a joint letter with the Pennsylvania Medical Society

## PCMS News

### Classified Ads

PCMS accepts classified ads for our Website. Through the Internet you will reach a larger audience at a cheaper price.

You may place the ad directly through the Website at [www.philamedsoc.org](http://www.philamedsoc.org) or by calling 215-563-5343, Ext. 102.

### Upcoming Events

PCMS accepts ads for upcoming events (calendar of local events, CME programs, seminars, etc.) for its Website. We offer this as a service to our members for their convenience.

The charges for placing ads are the same as for classified ads.

For more information, call 215-563-5343, Ext. 102.

The following have contributed to the **Philadelphia County Medical Society Educational & Scientific Trust Fund**. The Society expresses its appreciation for this generosity.

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## Editorial

# Be prepared for a long fight for your professional rights

We have summarized in this Newsletter the many activities undertaken by the Philadelphia County and Pennsylvania Medical Societies during the month of December.

As we write, we do not know whether these efforts have borne any fruit for physicians and their patients. However as you read this, you will know whether the Legislature and the Governor passed MCARE abatement and a bill authorizing a constitutional amendment to allow caps on noneconomic liability damage awards.

You have already made a decision on whether you can continue to care for patients after January 1.

Whatever has happened and whatever decisions you have made, we remind you of one very important thing. The war continues. Pennsylvania physicians have not yet won or lost the final battle. Those of us who are left have a long, hard struggle remaining.

Even if we were not successful in December, at this time medical societies are no doubt in the process of recommending and implementing a contingency plan. The plan will not give us the luxury of waiting for magazines or newsletters. Communications are by e-mail, fax and telephone. You need to stay alert for direction, and you need to act decisively and quickly.

If you think we won in December and we are finished with this ugly matter, you are wrong. No matter what we might have won, an enormous task still lies ahead. Each victory must be defended repeatedly. Our enemies have proven before that they are relentless and will resort to ingenious ways of reversing their losses. They are no fools, but we will make fools of ourselves if we underestimate them.

One example is that of constitutional caps on pain and suffering. If the Senate and House both passed a bill in 2003, that is only the first step. Both the Senate and House must again pass a bill in another session.

After that, the issue goes to the

citizens for a public referendum. The Governor has said that he will oppose caps at that time. Our enemies have demonstrated an incredible ability to raise money – regretfully, amounts substantially greater than our allies and we have raised. Even more regretful is the fact that money often wins elections regardless of the merits of individuals

*We have the moral and ethical obligation to persevere. The medical care of our patients is at stake. We are physicians. We have taken the oath. We are proud of what we are and what we stand for.*

and issues.

Should we prevail in the public referendum, the legislature would then set a figure for the caps. The caps as previously approved by the Senate and House and the public only authorized an amendment to the constitution that allows such caps. The amount of the caps would be set at this time. Obviously, an extravagant amount far beyond reason would nullify the whole purpose.

We do not write to discourage you but rather to educate you and to implore you to prepare yourself for a long, bitter fight. We have the capacity to persevere. More than that, we have the moral and ethical obligation to persevere. The medical care of our patients is at stake. We are physicians. We have taken the oath. We are proud of what we are and what we stand for. We will persevere and ultimately we will achieve our goals.

—The Editorial Board

### Change of address?

Phone 215-563-5343, Ext. 102 with any change of address, phone, fax number or e-mail address.

## PCMS endorses study on preparations for bioterrorism and infectious disease threats

PCMS encourages participation in the survey that will be mailed in February and March to many Philadelphia physicians.

Dr. Laura Kahn, a general internist and researcher at Princeton University's Program on Science and Global Security, which is part of the Woodrow Wilson School of Public and International Affairs, is conducting a study on how state and local governments are preparing for future bioterrorism and emerging infectious disease threats.

Since physician collaboration and cooperation with public health agencies is critical to the success of any future public health response, part of this study will include surveying physicians on their knowledge and beliefs about their state and local health agencies.

Dr. Kahn believes that identifying any problem areas that exist before a severe outbreak occurs would be extremely important. The goal of the physician survey is to provide feedback to responsible federal, state, and local health officials so that they can improve their services accordingly.

Physicians will be surveyed in four states: New Hampshire, New Jersey, New York, and Pennsylvania. All surveys will be completely confidential and will be released only as summaries in which no individual's

answers can be identified.

Dr. Kahn will be holding a conference at the end of the study to profile best practices and encourage and promote regionalism and cooperation between the states. This conference will be jointly sponsored by Princeton University's Woodrow Wilson School of Public and International Affairs, specifically its Program on Science and Global Security and its Policy Research Institute of the Region.

The study is being funded by the Josiah Macy, Jr. Foundation of New York City and Princeton's Policy Research Institute of the Region. Physicians who are interested will be more than welcome to attend.

Additional information about the study will be available on the Program on Science and Global Security's web site at: [www.princeton.edu/~globsec](http://www.princeton.edu/~globsec). Physicians with additional questions can contact Dr. Kahn by e-mail [lkahn@princeton.edu](mailto:lkahn@princeton.edu) or by phone 609-258-6763.

Surveys will be distributed in February or March 2004. They should take no longer than ten minutes to complete. The results will be available on the Science and Global Security website later in the year. Dr. Kahn thanks all those who will take the time to fill out and return this important survey.

PCMS activities from page 1

Dr. Desai wrote to all members advising them of these efforts by organized medicine. He urged them to contact elected officials and to encourage their patients to do so. He recommended that they advise patients that those patients may need to seek continued or follow-up medical care from another source after January 1. PMS made available a legal document advising physicians what their legal options and obligations were should they not be able to pay the Mcare premium.

This whole issue continues to be the number one priority for PCMS and PMS. We will need to keep the same intensity and commitment in 2004.

### Patients choose no care over more expense

The Center for Studying Health System Change reports that healthcare spending growth slowed to its lowest level in three years as patients absorbed higher out-of-pocket costs for medicines and services previously covered by insurance.

Spending on privately-insured Americans increased 8.5% from January through June of 2003, down from a 10% increase in the second half of 2002. Those confronted with higher co-payments and deductibles often chose to go without care, depressing overall spending.

### PA malpractice claims top \$1 billion

Tillinghast-Towers Perrin reports that the cost for medical malpractice claims in Pennsylvania in 2002 was between \$103 and \$124 for each person in the state compared to about \$85 per person in the rest of the country. Medical malpractice claims in Pennsylvania were between \$1.2 billion and \$1.5 billion in 2002.

That equals almost 6% of the country's total. Costs include money paid to injured parties, attorneys for plaintiffs and defendants and administrative overhead. The study reported that the tort system returns less than 50 cents of the dollar to the injured parties. This includes only 22 cents of the dollar for economic losses such as lost wages and the cost of the medical care and 28 cents on non-economic damages.

#### Access to tort-reform information

We encourage you to visit these web sites for instant updates on tort reform efforts:

- Philadelphia County Medical Society [www.philamedsoc.org](http://www.philamedsoc.org)
- Pennsylvania Medical Society at [www.pamedsoc.org](http://www.pamedsoc.org)
- Politically Active Physicians Association at [www.fightingdocs.org](http://www.fightingdocs.org)

In addition, PCMS sends out e-mails regularly. Do we have your e-mail address? If you have not been receiving the PCMS e-newsletter, e-mail us at [stat@philamedsoc.org](mailto:stat@philamedsoc.org).

## pcms people



**Thomas G. Gabuzda, MD**, has stepped down from the Board of the Pfahler Foundation after having served for 11 years. He was president of the Foundation in 1995-96.



**Stephen L. Schwartz, MD**, has been elected President of the Pfahler Foundation. Dr. Schwartz is the Immediate Past President of PCMS and is currently Philadelphia's Trustee on the Pennsylvania Medical Society Board.



**Richard Zorowitz, MD**, will be among the hundreds of rehabilitation medicine specialists and patients who will participate in a Rally for Independence to bring awareness to this important continuity-of-care issue for patients who require rehabilitation services. Dr. **Zorowitz** is medical director of the George W. Piersol in-patient unit at the Hospital of the University of Pennsylvania. In that capacity, he directs the activities of Penn's comprehensive rehabilitation unit.



**Harris R. Clearfield, MD**, was identified recently as the Good Samaritan who stopped to assist a woman who was attacked in Fairmount Park. He and his wife, Louise, helped her into their van and drove her to Lankenau Hospital.



*The PCMS International Medical Graduate Section hosted an educational dinner meeting at Susanna Foo Restaurant in Philadelphia on November 20, 2003. Guest speaker was Gary Ledley, MD, Associate Professor of Medicine at Jefferson Medical College. The topic was the management of acute coronary syndromes. From left: Shailendra Vaidya, MD, Chair, Committee on Membership and Board member; Sheila Moriber Katz, MD, MBA, President; Rajendra Seth, MD, Chair, IMG Section; guest speaker, Gary Ledley, MD.*

### In Memoriam

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