

Philadelphia Medicine



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Fall campaign for tort reform

More than 100 physician leaders from across the state, representing 50 county medical societies, specialty societies and other medical organizations met on September 6, 2003 to develop an aggressive fall campaign for tort reform.

Participants were urged to remain unified and engaged in two key events this fall: the election of Joan Orié Melvin to the Pennsylvania Supreme Court and a possible Senate vote on legislation to permit a constitutional amendment to cap non-economic damage awards.

PAMPAC has determined that Judge Orié Melvin is superbly qualified and will be a champion of tort reform. PAMPAC urges physicians to support her by voting for her, contributing to her campaign and distributing literature to their patients. For more information on how to support her campaign, contact David Thompson, PAMPAC Director, at 800-228-7823, or e-mail dthompson@pamedsoc.org.

Medical leaders are still committed to a cap on noneconomic damages. A recent national survey revealed strong public support for a cap—specified as \$250,000—by a margin of 3 to 1. A new Milliman study concludes that such a cap will reduce premiums by 18%. Defensive medicine savings far outweigh premium savings.

The Pennsylvania Medical Society (PMS) will initiate some new efforts in order to assure adequate Senate support for a vote this fall. PMS will engage in paid advertisements on billboards, radio, and print. The ads will be in select areas, concentrating on districts where the Senators are considered

swing votes or need our support for taking a strong stand on our behalf. PMS will develop a “patient army.” Posters, flyers, brochures and postcards will be printed for physicians to use for distribution to patients. PMS will intensify its research and distribute study results as part of the campaign to influence the Senate. Emphasis will be on the cost savings of caps that is specific to Pennsylvania, the economic impact of the effects the liability crisis is having on Pennsylvania’s overall economy and additional manpower studies focused on the southeast section of Pennsylvania.

PMS has approved a program where it might assist those physicians who are interested in counter suing lawyers who file frivolous lawsuits. Funds have been allocated and law firms identified to be used for such counter-suits. PMS will consider only cases involving members.

PMS is committed to working more collaboratively with all organizations. It has been invited to participate in a large working group of stakeholders and interested parties impaneled by Senate President Pro-Tem Robert Jubilerer and Senate Majority Leader David “Chip” Brightbill. Each stakeholder group was asked to submit a list of its top five issues before the first meeting of the working group. Four of the five groups ranked the \$250,000 cap as priority number one.

We remain firm in our position that Mcare forgiveness must be permanent and not for three years, that all physicians receive 100% forgiveness, and that levels of required coverage be reduced or eliminated altogether.

PCMS News

PAMPAC Endorsement

PAMPAC has endorsed Judge Joan Orié Melvin for the Pennsylvania Supreme Court. PAMPAC believes that her election will assist efforts to protect and insure patient access to care.

Cardiac update meeting rescheduled

The latest information from the study on congestive heart failure, originally scheduled for October 1, will be presented at PCMS on Wednesday, November 5, 2003. The dinner is sponsored by GlaxoSmithKline Pharmaceuticals. For more information, phone 215-563-5343, ext. 113.

HIPPA alert

Practices that submit claims electronically and are not HIPPA-compliant by October 16, 2003 may find that insurance companies will stop paying entirely. To find out what you need to do to avoid this nightmare, read “Don’t Find Your Practice Cashless!” on the Pennsylvania Medical Society website www.pamedsoc.org.

Want to attend the PMS Annual Meeting? Here’s how.

PCMS may need additional physician members to represent Philadelphia physicians and patients at the Annual Meeting of the Pennsylvania Medical Society in Hershey, PA at the Hershey Lodge and Convention Center on Saturday, October 18, and Sunday, October 19, 2003. Expenses will be reimbursed.

This is an opportunity to have a voice in setting your medical society policy. All physician members are welcome. Call 215-563-5343, Ext. 102.

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editorial

Tort reform is our commitment—and our top priority

By Sheila Moriber Katz, MD



Your medical society is planning a vigorous, hard-hitting campaign this fall to effect tort reform. We present highlights of our plan in this issue. It is a formidable, time-consuming endeavor. We will need your help. It may already be too late for many of you, but those of us who are left to fight the fight must become increasingly involved.

First, I ask you for your assistance in electing Judge Orié Melvin to the Pennsylvania Supreme Court. The Supreme Court can overturn in an instant anything we accomplish in tort reform through the legislature. It has happened before. We can invest thousands upon thousands of man-hours and

Your medical societies believe the most appropriate and effective cap is \$250,000, and we will eventually support that figure. Right now we need to put pressure on Senators to support a cap in principle. Watch medical society e-mails and web sites to learn which Senators to contact and when.

dollars over a period of years, apparently gain a victory, and have it taken from us by a 5 to 4 vote. We cannot let this happen again.

Yes, at a time when liability insurance premiums are at an all-time high and reimbursements are at an all-time low, we must reach into our wallets and support her campaign. Unfortunately, the system is such that elections are expensive and the candidate with the most money often wins, regardless of merit.

Educate your patients, family and friends and urge them to vote for her. Volunteer to work at your local polling place on Election Day. Write to your local newspaper and call your favorite radio talk show.

Before and right after the election, we will be engaged in efforts to have the Senate vote on a cap on noneconomic damages. At this time, the vote will be only for a constitutional amendment to allow a cap. The amount of the cap will be set after the amendment passes. Your medical societies believe the most appropriate and effective cap is \$250,000, and we will eventually support that figure. Right now we need to put pressure on Senators to support a cap in principle. Watch medical society e-mails and web sites to learn which Senators to contact and when.

Tort reform remains our top priority. Correcting the imbalance of power in managed care contracts is another top priority. We assure you of our continued commitment to both. We assure you that we cannot succeed without you.

Despite the onerous conditions under which we practice medicine today, we are still physicians. We are proud of that. As physicians, the health of our patients is our first concern. Because I sincerely believe that, and I know that you do also, I have asked that a good part of this issue deal with smoking and motorcycle helmets. I urge you to participate in the Great American Smoke-Out in whatever way you can. I ask that you be a supporter of riders making a free choice to wear helmets simply because it is the sensible thing to do.

Thank you for your support and encouragement.

—Dr. Katz is President of PCMS

Watch for *Philadelphia Medicine's* interviews with Mayoral candidates John Street and Sam Katz in our November issue.

Great American Smokeout and Pennsylvania Free Quitline: two great programs to help patients quit smoking

With the American Cancer Society's Great American Smokeout approaching on November 20, now is a great time to encourage patients who want to stop smoking to use the Pennsylvania Free Quitline (877-724-1090) telephone counseling program to maximize their chances for long-term success.

Sponsored by the Pennsylvania Department of Health and American Cancer Society, the free service has been used by thousands of Pennsylvania residents in its first year and in clinical studies has been shown to double smokers' quitting success rates.

"As soon as Quitline became available, we began providing the phone number to all our patients," said respiratory therapist Vickie Zeiler, who is a counselor and program coordinator for York Hospital's Tobacco Education and Cessation Program.

"I recommend the program to other healthcare professionals because of Quitline's excellent educational booklets, the personalized and professional advice Quitline counselors provide patients in the privacy of their own home, and the fact that the service is offered in English, Spanish and other languages in a culturally sensitive manner."

"In addition to regularly referring patients to Quitline, I use the service myself," said Frank Leone, MD, director of the Comprehensive Center for Tobacco Research and Treatment at Thomas Jefferson University Hospital in Philadelphia.

"For example, I'll call for a list of education and support services that I can refer patients to within their local community, or to have Quitline smoking cessation materials sent to their home. My patients really like the fact that they can call Quitline even late at night and speak to a counselor right away and get help." (The service is available 24 hours a day, seven days a week.)

Renata Tate, RN, tobacco education specialist for Memorial Hospital in York, added: "I provide patients with a range of resources to help them quit,

and Quitline provides another alternative to meeting individualized needs."

A range of promotional support materials is available for healthcare professionals to incorporate into their smoking cessation efforts with their patients. These include magnets, "prescription" pads, "referral" forms, and flyers.

The American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy, and service.

For more information about the Pennsylvania Free Quitline or to get a Quitline promotional packet, call the American Cancer Society at 800-ACS-2345.

5 A's for Provider Intervention in Smoking Cessation:

- **Ask** about tobacco use—Identify and document tobacco use status for every patient at every visit.
- **Advise** to quit—In a clear, strong, and personalized manner, urge every tobacco user to quit.
- **Assess** willingness to make a quit attempt—During the visit, determine whether the tobacco user is willing to make a quit attempt this time.
- **Assist** in quit attempt—For the patient willing to make a quit attempt, use counseling and pharmacotherapy and prescribe Free Quitline to help them.
- **Arrange** follow up—Schedule follow-up contact, preferably within the first week after the quit date.

Emergency physicians urge motorcyclists to wear helmets

"We are disappointed with the repeal of the law, no doubt," says Theodore Christopher, MD, FACEP, president of the Pennsylvania Chapter, American College of Emergency Physicians.

"Emergency physicians are among the first medical professionals to treat victims of motor vehicle crashes, and frequently, we also minister to the families of victims who, have died or

"Study after study has demonstrated—and we can personally testify—that helmets do indeed save lives and reduce the likelihood of debilitating injury."

suffered permanent injury. Study after study has demonstrated—and we can personally testify—that helmets do indeed save lives and reduce the likelihood of debilitating injury."

Since 1997, five states passed laws similar to the one implemented in Pennsylvania today. Statistics have shown that in each state, as adult use of protective helmets plunged, deaths and injuries increased. "Surely, this sad trend will be repeated here," notes Dr. Christopher.

"Emergency physicians across the Commonwealth are committed to fighting this repeal with new legislation in the future," he continues.

"Until such a time when statistics take this repeal back to the legislature, emergency physicians will continue to appeal to riders to wear their helmets—for their own safety and for their loved ones."

"A long, healthy life is a privilege," he concludes, "and this privilege now lies in each rider's hands. Please, riders, be safe. Wear your helmets."

The Pennsylvania Chapter, American College of Emergency Physicians, is a member of the Motorcycle Helmets Are Lifesavers Coalition. The Coalition's mission is the preservation of the Commonwealth's life-saving motorcycle helmet law.

pcms people



Meeta Peer, MD, Vice Chair, PCMS IMG Section; Rajendra Seth, MD, Chair, PCMS IMG Section; Jitendra M. Desai, MD PMS President Elect; and Bindukumar C. Kansupada, MD, Chair, PMS IMG Section

Type 2 Diabetes and the current medical liability crisis were topics addressed at a recent PCMS IMG Section educational dinner meeting at Deux Cheminees Restaurant in Philadelphia. If you would like to become active in the International Medical Graduate Section, contact Eileen Ryan at PCMS 215-563-5343 Ext 113.



Lila Stein Kroser, MD, and Joyann A. Kroser, MD, were interviewed by the AMA as the only mother/daughter AMA Delegates in honor of Women in Medicine

month. The interview can be viewed on the AMA's Web Site: www.ama-assn.org

Change of address?
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with any change of address,
phone, fax number or e-mail
address.

Access to tort-reform information

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

- Philadelphia County Medical Society at www.philamedsoc.org
- Pennsylvania Medical Society at www.pamedsoc.org
- Politically Active Physicians Association at 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.



Jon B. Morris, MD, chair, Department of Surgery, Abington Memorial Hospital and professor of surgery at Temple University, has been selected to receive the

Blockley-Osler Award for Excellence in Clinical Teaching.



Joel Chinitz, MD, Stephen L. Schwartz, MD, John F. X. Trevi, Executive Director, Lawrence Robinson, MD

In conjunction with the current medical liability crisis, physician leaders gathered at PCMS and met with the Block Captain Healthcare Advisory Council to explain why many physicians have left the state due to the current political climate. PCMS and PMS continue to advocate and support reforms regarding frivolous and inappropriate malpractice actions against physicians. The battle continues.

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