

Philadelphia Medicine



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December 2004

Pennsylvania Medical Society's 2004 House of Delegates recap

The Society's House of Delegates voted on more than 50 resolutions at its annual meeting and elected a number of officers and trustees. Accepted resolutions—outlined below—will become work of the Society next year.

Medical liability reform and Mcare abatement

- Require primary carriers to immediately refund to physicians Mcare Funds collected—as appropriate—by specialty
- Seek agreement by the state licensing boards that expert witness testimony in medical liability cases constitutes the practice of medicine
- Continue to promote the use of countersuits against plaintiffs and attorneys who file frivolous lawsuits, and elevate the resolution to the AMA
- Adopt as Society policy that lawyers practicing in Pennsylvania should be held to the same standards as physicians, requiring them to purchase professional liability coverage and prohibiting them from the common practice of fee splitting; strengthen disciplinary actions toward lawyers
- Seek amendment to Act 13 to allow exemption of the requirement to carry medical liability insurance for physicians retired from the clinical practice of medicine and engaged only in a teaching capacity.

Practice advocacy

- Increase physician reimbursement from Medicaid HMO carriers and for fee-for-service Medicaid patients
- Require private insurers to publish their physician reimbursement schedules and seek legislative relief, if necessary, from insurer inequity

- Encourage health plans to include “off label” use on lists of covered prescription drugs, clarify the definition of “sound scientific evidence” or “sound medical opinion,” and seek legislative remedies to require insurers to cover “off label” use of drugs
- Ensure that patients on established medication regimens (of greater than six months duration) who change from one insurer to another, be permitted to continue on the established regimen at the same cost

PMS voted on more than 50 resolutions at its annual meeting...including adopting as policy that lawyers practicing in Pennsylvania should be held to the same standards as physicians.

- Oppose the practice by health insurance companies of requiring physicians to order certain injectable drugs through a designated pharmacy and have them delivered to physicians' offices or patients' homes, a practice known as “brown bagging”
- Seek legislation or regulation to oversee mobile health testing units and require licensure of such services

Patient advocacy

- Create a short-term and long-term plan of action to assist physicians in dealing with the current flu vaccine shortage, including investigation of price gouging, designating physicians and hospitals as the primary recipients of available vaccines, and establishing guidelines permitting vaccine administration only in a

Please see Recap on page 3

PCMS News

“Rx - Walk with the Docs”

PCMS is seeking physician volunteers to participate in “Rx – Walk with the Docs.” The US Department of Health and Human Services, Philadelphia Department of Public Health, and PCMS are cosponsoring this event on Sunday, April 17, 2005 (raindate: Sunday, May 1, 2005).

The walk will take place on West River Drive. The walk will encourage participants to take an active role in learning about disease prevention, health management, good nutrition and physical activity. For more information call 215-563-5343, Ext. 113.

Host your event at PCMS!

Host your next party or conference/seminar at PCMS headquarters. Ample free parking.

Contact Louise Eder on 215-563-5343, Ext. 107 to schedule an appointment.

Information on renewal of your license; expiration date: 12/31/04

The Pennsylvania State Board of Medicine offers you the ability to renew your license online. You will need: 1) a valid credit card (Visa, Mastercard, Discover, American Express) and 2) your Renewal ID.

Go to www.myLicense.state.pa.us to renew online. Follow the instructions and you will have immediate confirmation that your renewal is being processed. If you need assistance during the online renewal process, e-mail stmy-license-helpdesk@state.pa.us.

If you are unable to use the online renewal system, you will need a paper renewal application form to complete your renewal. NOTE that you will not receive a paper renewal application as in years past. This is the only license renewal notice you will receive, unless you request a paper renewal application. Board staff will not be able to take requests for paper renewals over the telephone due to the high volume of calls. Therefore, the following options are available to receive a paper renewal application:

Please see Renewal on page 4

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Phone: 215-563-5343

E-mail: stat@philamedsoc.org

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Editorial

Time to work with "prosumers" says incoming PMS president

By William W. Lander, MD



During the past year our board grew significantly. In recent years, 22 physicians sat on the Medical Society's Board of Trustees. Today, there are 35.

And those additions prove that this is no longer an old-boys' network.

This is a group that challenges one another so that the Society can be the best it can be as it works to protect the sacred physician-patient relationship.

The Board's average age is somewhere in the mid-40s, and we have involved more women than ever before.

The Society needs to find ways to work with "prosumers" so that both the patient and physician win. And we must find ways to improve patient safety, making sure patients trust the care they receive in Pennsylvania's hospitals and exam rooms.

I hope that the Pennsylvania Medical Society's effort to represent all physicians becomes the model for the nation. I also want to point out that many times this board is asked to make tough decisions on a variety of topics. I say this because it proves we are able to put personal opinion to the side and do what is right for every physician. This proves that we are not a one-issue organization.

We have a successful program to help physicians with continuing medical education. We have a successful public health council. And we have been successful in raising awareness of excessive reserves of insurance companies. These and many other successes prove that we're more than a one-issue organization, and we must get the word out.

During my presidency, you will hear me talk about how we connect the past to the future. How do we move ahead without forgetting life's history lessons? One way is my proposal to the House of Delegates that patients are more proactive in their healthcare than ever before. They are driving the marketplace and have high expectations for the care they receive. The Society needs to find ways to work with "prosumers" so that both the patient and physician win. And we must find ways to improve patient safety, making sure patients trust the care they receive in Pennsylvania's hospitals and exam rooms. As we find new ways to work with prosumers, I proposed a new committee composed of past presidents who would serve as consultants to the Society.

Healthcare has a long history of innovation. Physicians have led most of this innovation, taking ideas from concept to the bedside.

These innovations should serve to inspire all of us, particularly those just starting their careers.

Dr. Lander is president of PMS.

Highmark will provide FluMist coverage

Highmark said it will provide coverage for FluMist nasal spray during the upcoming flu season because of the expected shortage of flu vaccine in the United States.

Healthcare providers across the country recently found out that they likely will receive only half of their usual flu vaccine during the traditional flu season. Highmark said it wants to

ensure that all available injectable vaccine is directed to high-risk people, including toddlers and older residents, reported the *Business Times*.

Highmark will provide coverage for FluMist, which is not approved for people over 50 or under five years of age, for any Highmark member whose benefit plan covers flu shots, the *Business Times* added.

Pittsburgh Business Times

Recap from page 1

- physician's office
- Reaffirm the Society's support of mandatory drivers' license re-examination by the state for individuals 75 years of age or older
- Oppose expansion of the scope of practice of dentists or oral and maxillofacial surgeons
- Seek legislation to eliminate the regulatory requirement that a physician's verbal orders must be signed within 24 hours
- Create an obesity task force to increase public awareness about the causes and management of obesity and work toward public policy to prevent obesity
- Focus both professional and public attention on suicide prevention resources in Pennsylvania
- Pursue development of a state-run prescription drug monitoring database, to provide physicians with information to help minimize distri-

bution of non-medical prescription medication

- Resume efforts to ban smoking in public places in Pennsylvania

Membership and leadership

Recommendations of the President Elect:

- Create an advisory board to the Society of representatives from such groups as AARP, the NAACP, the National PTA, the National Organization for Women, and other such groups
- Form a council of past Society presidents to tap their years of experience and to help both The Foundation and PAMPAC reach fundraising goals
- Develop a bi-annual patient newsletter on current health issues
- Urge hospital medical staffs to provide financial support for the Physicians' Health Program to help impaired physicians on staff maintain effective monitoring.

The physician self-reporting provision of Act 13

The Pennsylvania Medical Society has received many inquiries regarding the self-reporting requirements of the Medical Care Availability and Reduction of Error (Mcare) Act or Act 13 of 2002. This document is a summary of the new requirements.

As of May 19, 2002, physicians are obligated to report to their licensure board (either the State Board of Medicine or State Board of Osteopathic Medicine) within 60 days of the occurrence of the following: notice of a civil malpractice lawsuit, notice of a disciplinary action against the physician by the licensing authority of another state, any controlled substance conviction, and any arrest for a criminal offense such as homicide, assault, sexual offenses, and controlled substance violations.

Reports to the appropriate licensure board must include the physician's name and business address, the date the physician was served, the court where the case was filed, the Docket number (the number assigned by the court), a brief description of the allegations, and a copy of the civil complaint or court documents relating to a disciplinary

action, controlled substance conviction, or criminal offense arrest. Often a physician will be notified of an action by either a Writ of Summons or a complaint. A Writ notifies you that you have been sued, but provides no detail. A complaint describes the alleged factual basis for the lawsuit. While you will want to report receipt of a Writ of Summons to your professional liability carrier, the licensure boards only want you to report when you actually receive the complaint.

When all the required information is accumulated, send the report to:
State Board of Medicine
or
State Board of Osteopathic Medicine
Attn: Mcare Reports
P.O. Box 2649, Harrisburg, PA 17105-2649

The Department of State's Bureau of Enforcement and Investigation have developed criteria and standards for review of reports to the respective licensure boards based on the frequency and severity of complaints filed against a physician.

Failure to report will result in a \$1,000 fine.

CDC health update: influenza antiviral medications

Influenza antiviral medications: 2004-05 interim chemoprophylaxis and treatment guidelines

Influenza antiviral medications are an important adjunct to influenza vaccine in the prevention and treatment of influenza. In the setting of the current vaccine shortage, CDC has developed interim recommendations on the use of antiviral medications for the 2004-05 influenza season. These interim recommendations are provided, in conjunction with previously issued recommendations on use of vaccine, to reduce the impact of influenza on persons at high risk for developing severe complications secondary to infection. The recommendations are not intended to guide the use of these medications in other situations, such as outbreaks of avian influenza. These interim recommendations may be updated as more information on the supply of influenza vaccine and antiviral medications becomes available.

Background

Influenza antiviral medications have long been used to limit the spread and impact of institutional influenza outbreaks.

They also are used for treatment and chemoprophylaxis of persons in other settings. In the United States, four antiviral medications (amantadine, rimantadine, oseltamivir, and zanamivir) are approved for treatment of influenza, though limited supplies of zanamivir are currently available. When used for treatment within the first two days of illness, all four antiviral medications are similarly effective in reducing the duration of illness by one or two days. Only three antiviral medications (amantadine, rimantadine, and oseltamivir) are approved for chemoprophylaxis of influenza. More detailed information about each medication, including dosage and approved persons for use, may be found at <http://www.cdc.gov/flu/professionals/treatment>.

Local availability of these medications may vary from community to community, which could affect how these medications should be used.

pcms people



Harvey Lefton, MD,
Chief of Gastroenterology
at Frankford Hospitals,
has recently been elected
President Elect of the
Pennsylvania Society of
Gastroenterology.



Daniel K. Norden, MD
addressed PCMS IMG
Section on, "What's New
in Rheumatology"



Timothy J. Michals,
MD, was elected to serve
on the Judicial Council
of The Pennsylvania
Medical Society.



William VanDecker, MD addresses
the PCMS Caucus regarding resolu-
tions before the PMS Annual Meeting.

PCMS people wanted!

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We encourage you to visit
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and click on Classified Ads.

Renewal from page 1

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burg, PA 17105 or fax to 717-767-7769

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st-medicine@state.pa.us - include your
license number.

BY WEBSITE

www.dos.state.pa.us/med.

BY FAX

Call 717-783-1400. (First, select option
4, then option 3 [renewals], then select
the appropriate profession.)

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**
- Pennsylvania Medical Society
www.pamedsoc.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-
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