



MAKING STRIDES

Efforts by local organized medicine pay off in milestone legislation

Governor signs medical litigation reforms into law

THE CHICAGO MEDICAL SOCIETY, WORKING in collaboration with the Illinois State Medical Society and the American Medical Association, is making strides in the push for caps. Beginning with the Chicago Medical Society's attention-generating Medical Liability Reform Rally in Daley Plaza (May 2003), the physician March through the Loop (March 2004), and the continuous efforts of CMS leadership and members who contacted their legislators, Governor Blagojevich signed SB 475, Comprehensive Medical Litigation Reform, into law August 25. This action places a \$500,000 cap on non-economic damage awards in medical liability lawsuits.

This milestone legislation, which is supported by the Chicago Medical Society, and most important, by its members, was crafted by the Illinois State Medical Society, ISMIE Mutual, the Illinois Civil Justice League and many other organizations. It was created in such a manner as to address the Court's previous concerns with medical

litigation reform laws.

"While today's signing is a major step in making Illinois a state where physicians can provide quality care without the constant threat of frivolous lawsuits, the new law must withstand the attempts of the trial lawyers' to overturn it, *before* physicians will see relief from skyrocketing insurance premiums," said Steven M. Malkin, MD, president of the Chicago Medical Society.

"Much like the public today facing skyrocketing gasoline prices that have impacted their personal budgets, physicians have for several years faced not only the increasing cost of medical liability insurance, but also significant reductions in payment for services," he noted.

"The members of the Chicago Medical Society thank the Governor and the General Assembly for their willingness to do what is necessary to safeguard access to care for the citizens of Illinois. We believe that health care is not a partisan issue and the health of our community should always be first on the minds of our lawmakers."

CMS joins initiative to ban smoking in Illinois jails and prisons

CMS PRESIDENT-ELECT SHASTRI SWAMINathan, MD, and Executive Director James Tarrant met Aug. 8 with Cook County health officials and State Senator John J. Cullerton (6th Dist.) to discuss reintroducing legislation to ban smoking in all Illinois jails and prisons. During the meeting, John M. Raba, MD, COO of Cermak Health Services, and Sergio Rodriguez, MD, medical director of Cermak, described how in-

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STRIDES *(continued)*

mates at Cook County Jail were faring under the new smoking ban that went into effect Aug. 1. Both doctors reported there had been no disturbances.

The Illinois House approved a plan to ban smoking among inmates in 1999. But it died in the Senate after prison officials raised concerns about angering inmates.

A ban on smoking in prisons and jails is consistent with CMS policy, which supports a tobacco-free environ-

ment in the Cook County Department of Corrections.

Senator Cullerton, who serves on the Senate Subcommittee on Tobacco, was also sponsor of legislation to give local units of government the authority to regulate smoking in public places. In early August, Governor Blagojevich signed a bill allowing cities, towns and villages to enact their own smoking ordinances. The new law goes into effect on Jan. 1.

CONTACT SENATORS

U.S. House passes medical liability reform bill

But the clock is ticking in the Senate

THANKS TO CONTINUED ADVOCACY BY THE AMA and physicians nationwide, the U.S. House passed medical liability reform legislation July 28, the second time in two years.

The Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005 includes a \$250,000 limit on non-economic "pain and suffering" damages for injured patients in medical liability cases, with no limit on a patient's economic losses, such as lost wages, medical care, rehabilitation and other expenses.

The legislation passed by a vote of 230 to 194; it passed by a similar margin in 2003.

The U.S. Senate has yet to take similar action. While Senate Majority Leader Bill Frist, MD, (R-Tenn.) and Senate Majority Whip Mitch McConnell (R-Ky.) continue to advance strong medical liability

reform legislation in the Senate, they face a tough uphill battle—even though polls show that nearly three-quarters of Americans support reform.

Organized medicine must continue the fight for national reform even as states continue to pass their own legislation piecemeal. CMS urges you to remain on the offensive until liability reform is the law of the land. Call or write Senators Durbin and Obama today.

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Washington, DC 20510
(202) 224-2152
(202) 228-0400 fax
Web site: durbin.senate.gov

Barack Obama
Washington, DC
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Washington, DC 20510
(202) 224-2854
(202) 228-5417 fax
Web site: obama.senate.gov

For talking points and help composing a letter or to send e-mail, go to <http://capwiz.com/ama/dbq/officials>

NEWS FOR CHICAGO PHYSICIANS



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FLAWED FORMULA

Third bill introduced to stop Medicare physician payment cuts

U.S. REP. NANCY JOHNSON (R-CONN.) RECENTLY introduced a bill to repeal Medicare's flawed sustainable growth rate (SGR) formula and phase in a pay-for-performance initiative.

The bill, H.R. 3617, would increase Medicare physician payments by two percent in 2006 and guarantee increases in the following six years. It also would phase in a pay-for-performance program in Medicare. Pilot testing, public reporting and implementation of efficiency measures will be the focus of ongoing discussions between the AMA and Rep. Johnson as the bill moves forward. The AMA supports the bill, which is consistent with many of the AMA's pay-for-performance principles and guidelines.

Rep. Johnson, chair of the House Ways and Means Health Subcommittee, submitted the bill just days before the federal government proposed reducing Medicare physician payments by 4.3 percent in 2006, a decrease generated by the SGR formula.

H.R. 3617 is one of three bills in Congress that would stop looming Medicare cuts. The others, the

"Preserving Patient Access to Physicians Act of 2005" (S. 1081), introduced by Senators Jon Kyl (R-AZ) and Debbie Stabenow (D-MI), and H.R. 2356, introduced by Reps. Clay Shaw (R-FL) and Ben Cardin (D-MD), have strong AMA support and have steadily gained cosponsors since they were introduced. S. 1081 would prevent the impending payment cuts and would provide physician updates of 2.7 percent

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FLAWED FORMULA *(continued from page 4)*

in 2006 and 2.6 percent (estimated) in 2007.

H.R. 2356 would stop the cuts as well but also replace the flawed payment formula with a new formula that increases the update each year, starting in 2007, to reflect changes in the Medicare Economic Index.

CMS encourages you to visit <http://www.ama-assn.org/ama/pub/category/6583.html> to contact your members of Congress in support of all three bills.

"It's time for all CMS members to communicate to their senators the need for a permanent fix for Medicare reimbursement," said CMS President Steven M. Malkin, MD. "The recent passage of medical liability reform in Illinois shows the power of grassroots advocacy. I urge you to call, e-mail or fax a short handwritten note to your senator."

Your persuasion needed:

Please contact your senators

Just how important is it to contact Senators Durbin and Obama? A recent letter from Senator Durbin to a CMS member shows why: Instead of co-sponsoring corrective legislation like S. 1081,

which would stop the payment cuts for the next two years, Mr. Durbin said he "joined many of my colleagues in the Senate in signing a bipartisan letter to the Office of Management and Budget, asking for the removal of Medicare Part B drugs from the Medicare payment formula, because the rate of growth in the cost of Part B drugs is beyond the control of physicians. If Part B drugs are removed from the physician payment baseline, forecasted cuts will not be as steep or enduring."

He further states that, "Congress needs to enact a long-term solution to the serious flaws in the Medicare physician payment formula....It is imperative that we end the practice of enacting short-term solutions that will result in deeper automatic physician payment reductions in future years."

Contact information for Senators Durbin and Obama appears on page 2.

STRIKING THE RIGHT BALANCE



President signs Patient Safety and Quality Improvement Act of 2005

President George W. Bush, seen with members of the U.S. Senate and patient advocates, addresses an audience following his signing of the Patient Safety and Quality Improvement Act of 2005, at a ceremony July 29. Standing at far left is CMS Past President Janis M. Orłowski, MD, who is now senior vice president of the Washington Hospital Center.

White House photo by Krisanne Johnson.

New act a victory for patients and physicians

"Until doctors and other members of the health care team can feel comfortable coming forward with problems without the fear of being sued, we will have great difficulty improving patient safety."

—Steven M. Malkin, MD

THE SIGNING OF PATIENT SAFETY LEGISLATION into law on July 29 is a victory for patients and physicians, striking the right balance between maintaining confidentiality and ensuring accountability and patients' legal rights.

The legislation creates a confidential reporting structure in which physicians, hospitals and other health care professionals and entities can voluntarily report information on errors to Patient Safety Organizations, which then will analyze the data to develop patient safety and quality improvement strategies. The legislation stipulates that patient safety data will be confidential and legally protected, and provides appropriate penalties for unlawful disclosures. It also preserves confidentiality of patient information under the Health Insurance Portability and Accountability Act of 1996.

"The patient safety law is the catalyst we need to

transform the current culture of blame and punishment into one of open communication and prevention," said AMA President J. Edward Hill, MD, who was present during the ceremony. "Today's signing ceremony is the culmination of years of hard work by the AMA and its patient safety partners."

CMS earns Patient Safety grant

The Chicago Medical Society Foundation, in collaboration with the Institute of Medicine of Chicago and the Chicago Patient Safety Forum, has been awarded a \$150,000 grant for the creation of a Patient Safety Simulation Center. Bestowed by the Otho S. A. Sprague Memorial Institute, the grant will allow for the following:

- A program plan that avoids duplication of existing facilities.
- A collaborative environment among Chicago's health professionals, educators, hospitals and researchers.
- Extending best practices as equitably as possible to all health care and emergency service providers.

SHARE THE INFORMATION

Illinois Poison Center offers free poison prevention training

MORE THAN TWO MILLION POISONINGS occur in America each year--and you can make a difference.

Help prevent poisonings by sharing poison prevention and safety information with your patients, co-workers and community members. The Illinois Poison Center (IPC) is seeking interested persons to incorporate poison prevention information into their current education efforts.

The IPC recently launched an online program to train people interested in educating others about poison prevention. Physicians can participate in the poison prevention training from the convenience of your office, home or library—anywhere there is Internet access. Through this free course, you will:

- Learn about poisoning topics (i.e., household products, lead, plants, medicine, carbon monoxide).

- Find out how to educate different audiences about poison prevention.
- Explore additional online resources about poison safety.
- After completing the course, registered poison prevention educators receive free educational materials and presentation tools via an online ordering system and resource center.

To register, log on to www.IllinoisPoisonCenter.org (under Education Events).

CMS members:

Do we have your e-mail address?

We want to keep you updated on the latest news concerning legislation, public health alerts and bioterrorism.

Please send us your address by e-mailing: askcmsdocs.org or by faxing: (312) 670-3646.

CMS offers OSHA training for clinicians and staff

OSHA REQUIRES ANNUAL TRAINING FOR ALL health care workers with potential occupational exposure to blood-borne pathogens. Attending the Chicago Medical Society's two-hour training course and updating your exposure control plan satisfies most of your yearly OSHA regulations.

DATES & LOCATIONS:

- Wed., Sept. 21, Oak Lawn Hilton, 10 a.m.
- Wed., Oct. 5, Advocate Lutheran General Hospital, Park Ridge, 5 p.m.
- Wed., Nov. 2, AMA, Chicago, 9 a.m.
- Fri., Nov. 18, Holiday Inn-Skokie, 10 a.m.

LEARNING OBJECTIVES:

All seminars are taught by specialists in exposure control. The course is designed for clinicians and their staff. At the conclusion of this activity, participants should be able to:

- Identify the requirements of OSHA standards including blood-borne pathogens.
- Explain how the standards apply to them.
- Discuss and select safer needle devices.
- Identify safety and health hazards at their facility.

SPEAKER/TRAINER:

Sheila M. Hall, Compliance Program Manager and Industrial Hygienist, OSHA—Chicago North Office. Ms. Hall has no significant financial relationships to disclose.

FEES:

\$49 each CMS member or staff person.
\$99 each non-member or staff person.

TO REGISTER:

Call: (312) 670-2550, ext. 338.

Need on-site training? Please call (312) 670-2550, ext. 339.

Office/building or sale/rent

INTERNAL MEDICINE PRACTICE FOR SALE, Berwyn, IL. Thirty-years-old, well-established. Call evenings: (773) 929-0618.

PRIME DOWNTOWN NAPERVILLE Location. Office/medical space available immediately in newly constructed building. Easy access to interstates and Metra train station. On-site restaurants, banking, shopping. Near Edward Hospital. Call (630) 554-3408.

OFFICE SPACE AVAILABLE IN A MEDICAL building located at 3401 N. Central Ave., in Chicago, between Belmont and Addison. Highly visible location with parking. Various sizes for lease. Call Richard: (773) 774-7300 or (773) 716-7701.

WELL-ESTABLISHED MEDICAL CENTER for lease, with option to buy in two years. Rent \$4000/month. Near four hospitals, 30 patients daily. Offer won't last. Respond to Box #2236.

BUSY PEDIATRIC PRACTICE AND OFFICE building for sale in West Virginia. Doctor is retiring. If interested, please call Vicky Uy at (304) 343-6954.

Personnel wanted

HOME PHYSICIANS, A MEDICAL GROUP located in Chicago/Northwest Indiana and specializing in house calls, seeks physicians. Individuals trained in primary care/surgical debridement. Phone (773) 292-4800/(219) 864-9900; fax (773) 486-3548; www.homephysicians.com.

GENERAL PRACTICE OR FAMILY PRACTICE doctor for outpatient clinic—Chicago area. Part-time or full-time. Call (630) 452-8445. Spanish-speaking neighborhood. No night calls. No hospital patients.

GROUP PRACTICE IN WESTERN SUBURBS seeks Spanish-speaking board-certified family practice physician. Highly competitive salary. Send resume Attn: Medical Director, Su Salud Medical Center, 6001 W. Cermak Rd., Cicero, IL 60804. Phone (708) 656-5230; fax (708) 656-6610.

PART-TIME RADIOLOGIST IN EVENING. Contact Dr. Cohanin (773) 262-4881.

MOBILE DOCTORS SEEKS FULL-TIME physicians to make house calls to the elderly and disabled. No on-call, night or weekend work. Transportation and an MA are provided. Practice "hands-on" medicine. Fax CV to Michele at (312) 640-4496, or call (312) 939-5090.

MULTI-SPECIALTY CLINICS IN CHICAGO seek primary care physicians and specialists. Flexible days and hours. Polish and Spanish-speaking a plus. Send CV & availability to Box #2232.

MOBILE DIAGNOSTIC IMAGING COM-pany is looking for board-certified cardiologists and radiologists to interpret echos, dopplers & ultrasounds. Send CV to Box #2233.

PRIMARY CARE PHYSICIANS NEEDED TO make house calls to the homebound. Flexible days and hours. Also primary care and specialists needed to follow our patients in the hospital. Send CV, hospital affiliation and availability to Box #2234.

CHICAGO—PHYSICIANS NEEDED, OB-GYN, full- or part-time. Pregnancy terminations, tubal sterilization, infertility, and other services. Downtown and suburban Chicago locations. Full- or part-time, hourly and salaried positions available. Mail C.V. to Administrator, 1640 N. Arlington Heights Rd., Suite 110, Arlington Heights, IL 60004; or fax to (847) 398-4585, or email tammy.s@covad.net.

PHYSICIANS NEEDED—FULL- OR PART-time available. Downtown Chicago and suburban Chicago locations, northwestern and western suburbs. Urology, GI, and anesthesiology specialties wanted. Residents in Illinois programs welcome. Mail C.V. to Administrator, 1640 N. Arlington Heights Rd., Suite 110, Arlington Heights, IL 60004; or fax to (847) 398-4585, or email Tammy.s@covad.net.

SEEKING A BOARD-CERTIFIED FULL-TIME pediatrician to join our busy private practice in Melrose Park, IL. Excellent opportunity to care for a culturally diverse, medically underserved population. A competitive salary and benefit package is being offered. Spanish-speaking candidates preferred. Please fax CV to (708) 450-9978.

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CMS INSURANCE AGENCY, INC.

The CMS Insurance Agency, Inc. can now serve as your agent and use the commissions earned for grants to support the Chicago Medical Society.

YOUR BENEFITS OF REPRESENTATION BY THE CMS INSURANCE AGENCY:

- Use grants to support CMS grassroots legislative advocacy, educational programs and seminars, and social events (annual dinner, golf outing, etc.).

There is no added cost to your liability premium.

- Support CMS efforts to advocate on your behalf with state and federal representatives.

- The Agency will work with carriers to provide risk management seminars and office assessments so that physicians can meet eligibility requirements for discounts.

Please contact:

Phil Seroczynski, Vice-President/Broker
CMS Insurance Agency, Inc.
(312) 329-7346