



# Bulletin

of the Mahoning County Medical Society

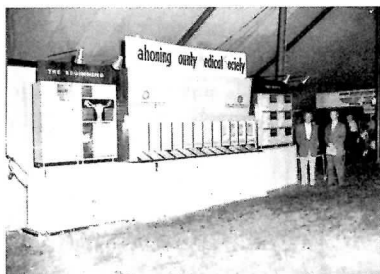
July - August 2002

## COME TO THE FAIR!



MEDICAL TENT 1958

2002 marks the 156<sup>th</sup> year for the Canfield Fair. It also marks the 52<sup>nd</sup> consecutive combined medical-health exhibit. The Canfield Fair ranks among the top in the nation in daily attendance; in 2001, 382,637 people passed through the Fair gates. In 1951, the Mahoning County Medical Society organized an exhibition at the Canfield Fair that included volunteer health agencies and members of the health professions. It was set up in a tent and the annual exhibit continues to this day. It is one of the outstanding non-commercial things the fair has to offer. Since 1971,



MCMS EXHIBIT 1958

the exhibits have been housed in a permanent building – one of the very few of its kind in the United States!

The Health and Medical Building is part museum and part health education. The medical office of the early 1900's showcases equipment and instruments used at that time.



DOCTOR'S OFFICE CIRCA 1900



Dr. Jack Schreiber



Dr. Bob Fisher

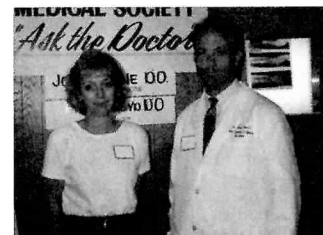


Dr. Fred Friedrich



Canfield Fair Committee Chair  
Dr. Jay Osborne

*Over the years, Drs. Schreiber, Fisher, Friedrich and Osborne have provided the leadership and energy needed to make the Canfield Fair exhibit a success.*



Dr. Jenifer Lloyd & Dr. John Dunne

The "Ask the Doctor" exhibit gives fair-goers a chance to view the pathological specimens and ask the doctors on duty general questions. Doctors who volunteer to work at the Fair find that it is a fun and rewarding experience. It is excellent public relations for the profession and the Medical Society, not to mention individual physicians. People will remember the doctors who gave them all that free information and attention!

If you have not already volunteered to work at this year's Canfield Fair, August 28 through September 2, call the Society office and sign up for a shift. You'll have a great time! See you at the Fair.



Dr. Lyn Yakubov



Dr. Eugene Potesta

# Bulletin

*Editor* Denise L. Bobovnyik, MD  
*Managing Editor* Karyn Frederick  
*Editorial Board*

Eugene Potesta, MD      Daniel Handel, MD      Ronald Yarab, MD

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The Bulletin reserves the right to edit all contributions for clarity and length, as well as to reject any material submitted, including advertisements.

Subscription rate of \$20.00 per year is included in MCMS dues. Correspondence and changes of address should be mailed to the above address.

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## **WE WANT YOUR PATIENT ACCESS STORIES...**

The OSMA is investing in a long-term patient outreach effort to expand public understanding about the need for tort reform and to build support for Senate Bill 281. The OSMA needs your patient and physician stories. Your concern for your patients will resonate with the people of Ohio, putting a personal face on this important issue.

Follow this link to "Give us your stories" form:

<http://www.osma.org/Give-Us-Your-Story.cfm>

## CALENDAR

- |                         |   |
|-------------------------|---|
| August 7                | OSMA Town Meeting, Holiday Inn, Boardman  |
| August 6 - 9            | Photography sessions for new print directory                                    |
| August 29 - September 2 | Canfield Fair   |
| September 19            | OSHA 10-Hour Workshop (rescheduled from July 11)                                |
| September 24            | Society Dinner, Holiday Inn, Boardman -- Guest Speaker, Rep. Ann Womer Benjamin |



## From the President

by Eugene L. Potesta, Jr., MD

Tort Reform. Everywhere you turn these days, you hear about the need for tort reform. Finally! It now appears that the drumbeating by MCMS physicians and the OSMA is beginning to be heard outside the circles of medicine, even into the halls of Congress. Since the last issue of the *Bulletin* there have been a couple of significant happenings on the tort reform front.

First, Ohio State Senator David Goodman (R-Columbus) has introduced Senate Bill 281, aimed at making medical lawsuit\* insurance premiums more affordable for doctors by placing limitations on awards in medical lawsuits. Major provisions of the bill are:

- Permits **non-economic damage awards** (e.g., pain and suffering, mental anguish, etc.) of up to \$300,000.
- Establishes a **sliding scale for attorneys' contingent fee**, maximizing the amount of money recovered for patients.
- Requires the use of **periodic payments** to meet the long-term financial and medical needs of the patient.
- Allows patients and physicians to use **alternative dispute resolution** methods, such as binding arbitration.
- Permits juries to hear evidence about **collateral source payments**.
- Establishes a **three-year statute of repose** for medical claims.

The reforms contained in the Ohio bill have already been tested in California as part of a successful law known as MICRA (Medical Injury Reform Act of 1975). MICRA reforms have stabilized California's medical lawsuit insurance market, increased patient access to care, and reduced the time it takes to settle a claim by 33%.

Second, U.S. Representative Jim Greenwood of Pennsylvania has introduced HR 4600, the HEALTH Act of 2002, and Senator John Ensign (R-NV) announced his intention to introduce the Senate companion to HR 4600. HR 4600 is a comprehensive medical liability reform package intended to help stabilize the medical liability insurance market.

While all of this is very good news for physicians, the battle is just beginning. What can you do? There are several ways in which every physician can help to win the fight.

1. Participate in the OSMA "Take Back the Court" campaign. You can request an advocacy kit from the OSMA by logging on to [www.osma.org/takebackthecourt.cfm](http://www.osma.org/takebackthecourt.cfm). The kit is filled with grassroots material from OSMA and OMPAC to help you get started talking to patients, colleagues, family, staff and legislators about the importance of the upcoming Supreme Court election.
2. OMPAC, the OSMA's affiliated political action committee, has recommended that Lt. Governor Maureen O'Connor be elected and Justice Evelyn Stratton be re-elected to the Ohio Supreme Court on November 5th. OMPAC believes electing these two candidates will restore fairness and balance to the Ohio Supreme Court. For more information about these candidates, contact Mike Ware, OSMA political coordinator, at 800-766-6762 or [takebackthecourt@osma.org](mailto:takebackthecourt@osma.org).
3. Support the federal legislative effort by voicing your support with your Senators and Representatives. You can do this on-line by logging on to the American Medical Association website at [www.ama-assn.org](http://www.ama-assn.org) and following the links to the AMA Grassroots Action Center.
4. Participate in the OSMA's outreach effort to expand public understanding about the need for tort reform and build support for SB 281. Contact the OSMA if you are willing to tell your story to reporters.
5. Contact your State Senators and Representatives and tell them you want them to support SB 281, tort reform legislation.

Our patients deserve accessible, convenient and quality medical care, and these efforts will help us to ensure that they get it. We are on our way to achieving the goal of tort reform and the stemming of the medical liability insurance crisis, but it will take all of us working together to accomplish our goal.

\* At the recent OSMA Annual Meeting, the House of Delegates adopted a resolution submitted by the First District that called for changing the term *malpractice insurance* to *medical lawsuit insurance*.

## FROM THE DESK OF THE EDITOR

Denise L. Bobovnyik, MD



The recent article in JAMA only too clearly points out one of the big problems in medicine today -- patient mistrust of doctors and medicine in general. The article raises the issue of increased risk of certain diseases in women who take combination hormone replacement therapy, estrogen and progesterone, for greater than five years. The reality is that we as physicians have known these risks, increased incidence of breast cancer and heart disease in some women who take HRT for greater than five years. We have tried to develop algorithms to stratify who may be at higher risk. The problem is that we as physicians are not great at letting our patients know our thought processes and not very good at sharing treatment responsibility with our patients.

For example, I have many patients who want to take red yeast rice to lower their cholesterol level. After all, their friends are very successful in doing this. When I point out the statins presently on the market do a wonderful job in this area, the patients always go through the list of side effects, i.e. muscle pains and liver impairment. When I next point out that red yeast rice has the same active chemical as the statin Mevacor, they are very puzzled. I then explain that red yeast rice is considered a food supplement and as such is not regulated by the FDA. There are no regulations as to the dose of chemical within the product and between similar products. I also point out that the very same side effect profile holds true and that their friends are taking a drug without proper supervision. Often this is enough to at least get them to reconsider.

I have also found that patients want a guarantee of 100% effectiveness. For example, with the Neisseria meningitis scare that occurred locally last year, everyone wants their college-bound children to be immunized. I am clear to point out that the vaccine is not a great vaccine. It covers five of the meningitis strains at a 70-80% efficacy. However, approximately 30% of N. meningitis is caused by the "B" strain which is not even in the vaccine. Therefore, their children are still at some risk for Neisseria meningitis, although less so if vaccinated.

Some of the problem of mistrust and mis-education has come from us. We often do not take the time to discuss, educate and involve the patient. More recently the alternative health care market has successfully exploited patients' suspicions by presenting testimonial claims as scientific evidence. Patients are consulting their health food counter people and friends because they are more willing than some physicians to take the time to talk with them.

I am heartened that many of my patients are calling to get the real story from me on the estrogen research recently published in the media. I hope this means that they trust and value my input on this, although I readily admit that I'm not sure what the right answer on this issue is. I can only hope that in time, we as physicians will be able to further involve our patients in their care with scientific evidence and realistic expectations. Oh yeah...I also hope the insurance companies will start to adequately reimburse me for this, but that's another editorial!

## NEW MEMBERS

### Arvind Padubidri, MD

Plastic Surgery

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Boardman, OH 44512

Medical Education: Government Medical College, Bellary,  
Karnataka, India  
Internship: Medical College Hospital, Bellary, Karnataka, India

Residency: Bangalore Medical College, Bangalore, India  
Cleveland Clinic Foundation, Cleveland, OH

Fellowship: Cleveland Clinic Foundation, Cleveland, OH

### Joseph F. Zeno, DO

Internal Medicine

6505 Market Street  
Suite 312, Building C  
Boardman, OH 44512

Medical Education: Ohio University College of Osteopathic Medicine,  
Athens, OH

Internship: Meridia South Pointe, Warrensville Hts., OH  
Residency: Forum Health, Northside Medical Center,  
Youngstown, OH

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## Physicians Encouraged to File for HIPAA Extension

The American Medical Association (AMA) and the Ohio State Medical Association (OSMA) urge all medical practices to file now for the one-year Health Insurance Portability and Accountability Act (HIPAA) extension. Filing the extension, prepared by the Center for Medicare and Medicaid Services (CMS) will give physicians until October 16, 2003, to comply with the standards. Those who do not file must be in compliance with the new regulations by October 16, 2002, or risk exclusion from the Medicare program.

According to OSMA, there is no downside to completing the form. It's free, easy to complete, available on-line, and once the form is completed, an extension is granted. To view the form, visit [www.cms.gov/hipaa](http://www.cms.gov/hipaa) or for more information go to [www.osma.org](http://www.osma.org).

## WHAT COULD YOU DO WITH \$778?

Plenty, I'll bet! You could pay your annual dues for the Mahoning County Medical Society and the OSMA with \$778 if you threw in \$3. For some folks, it's a house payment, a car payment or insurance premium. For the MCMS, it's enough to pay for our phones, electricity and gas for a month, and have some left over for postage.

So what's the significance of \$778? That's how much the MCMS has paid this year for dinners for members who "no-showed" at the Society meetings! When you make a reservation for dinner and don't show up, or if you cancel at the last minute after the meal count has been given to the hotel, the MCMS has to pay for your dinner anyway. And, to make matters worse, the hotel has to throw the food away since it has already been "plated" and cannot be served again under Health Department rules.

That's why we are instituting a new policy effective with the September Society dinner: **no-shows and those who cancel after the printed deadline will be billed for dinner.** The dinners will still be free to those members who attend, but hopefully we will be able to save the money we have been throwing away, not to mention the food we have wasted!

Please help in this effort by keeping your reservation and attending the dinners!

## TORT REFORM INITIATIVE LAUNCHED

Mark your calendars. The Ohio State Medical Association and the Mahoning County Medical Society are hosting a regional meeting for physicians and practice managers. The meeting for this area is being held from 6 to 8 PM on Wednesday, August 7 at the Holiday Inn, Boardman. At this meeting you will be able to:

- \* Gain valuable knowledge about OSMA-supported tort reform legislation -- and what you can do to help ensure its passage;
- \* Find out what the OSMA is doing to help you handle soaring professional liability premiums;
- \* Learn how Ohio's new prompt pay law can increase cash flow in your practice;
- \* Discover practice products that will help you remain in business -- despite the cost of medial lawsuit insurance.

To register for this free meeting, call the OSMA at (800) 766-6762 and ask for Town Meeting Registration, email Kathie Holloway at [kholloway@osma.org](mailto:kholloway@osma.org), or register online at [www.osma.org/TownMeeting](http://www.osma.org/TownMeeting). To register, all that is needed is your name, your address, your phone number and your email address. Complimentary hors d'oeuvres and spirits will be served at the meeting.

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## Bits 'n' Pieces

Visit the Medical Society booth in the Medical Building at the 156th Canfield Fair, August 28 through September 2. Thanks to those members who have volunteered their time to talk with Fair-goers and answer questions. Special thanks to Dr. Jay Osborne for once again chairing this committee.

The OSHA 10-Hour Workshop for Distinguished Partners has been rescheduled for September 19 at the Holiday Inn, Boardman. Notices will be sent to all eligible members.

Photography sessions for the new print directory will be held at Forum Health and St. Elizabeth's August 6th to the 9th. See the article in this issue for all the details.

State Representative Ann Womer Benjamin, who is running for Congress from the new 17th District, will be the guest speaker at the September Society Dinner at the Holiday Inn, Boardman. Members will receive a notice in the mail at the end of August.

Make plans to attend the OSMA Town Meeting on Wednesday, August 7 from 6:00 PM to 8:00 PM at the Holiday Inn, Boardman. You will receive a notice in the mail soon.

Please make note of the following address changes:

Jay Osborne, MD  
10850 Mahoning Avenue  
North Jackson, OH 44451  
Phone: 330-538-2490  
Fax: 330-538-2575

Carlos Dumois, MD  
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## PROMPT PAY LAW TAKES EFFECT

Last year the Ohio Legislature passed SB 4, also known as the prompt pay bill. This bill, a top priority of the OSMA and supported by the Mahoning County Medical Society, became law on July 19, 2002.

Some provisions of the new law are:

- Requiring a standard claim form: All payers will be required to use a standard claim form, the HCFA-1500.
- Establishing payment time frames: Clean claims must be paid or denied within 30 days. If a claim requires supporting documentation, it must be paid or denied within 45 days.
- Describing take backs: A payment is considered final two years after it is made. Improper payment can only be recovered if initiated before the time limit expires. Physicians have the right to appeal any take back request. If the request is proper, a physician may choose to repay the amount or have the amount deducted from future reimbursements.
- Providing a system to check claim status: Payers will establish a system by which a provider or beneficiary will be able to obtain information about the status of a claim.

The law also addresses current codes, capitation payments, right to re-file, duplicate claims, ERISA exemption, prompt pay contracting, accountability, and unfair or unnecessary delays in processing claims. After January 2003, the law will only apply to claims filed electronically.

\*\*\*\*\*

## Photo Sessions Set for New Print Directory

The Mahoning County Medical Society is preparing for the publication of our next pictorial membership directory to be available in early 2003. Soon all members of the Medical Society will be receiving information from Invizeon, our partner in this project, regarding the scheduling of photo sessions. The photography sessions will be held at:

Northside Medical Center

Tuesday, August 6th  
6:30 AM - 11:30 AM  
Friday, August 9th  
6:30 AM - 1:30 PM

St. Elizabeth Health Center

Wednesday, August 7th  
6:30 AM - 1:30 PM  
Thursday, August 8th  
6:30 AM - 1:30 PM

There will also be photo sessions in Trumbull County at Trumbull Memorial and St. Joe's if you are unable to make an appointment at one of the Youngstown locations. Information on these locations and times will be included in the mailing from Invizeon. There is no cost to members for the photo session, and you will have the opportunity to purchase additional photos for your personal and professional use.

In addition to the print directory, you will have the opportunity to upgrade your listing on the MCMS website at the same time. We are planning to make the print directory available to the hospitals, nursing homes, public service and health care agencies in the Valley. You don't want to be left out of this valuable community resource!

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