



# Bulletin

of the Mahoning County Medical Society

September - October 2002

## OMPAC Makes Recommendations for Election

This November 5<sup>th</sup>, election day, will present Ohio's physicians with another opportunity to alter the political landscape. Our profession is suffering from a malady which I call "chronic embattled physician fatigue syndrome." The symptoms range from apathy, resignation, despair to anger and outrage. The cause of this syndrome is multifactorial.

Outside influences such as our State Government, the Managed Care industry, and the trial lawyers can have an "unhealthy" effect on our daily professional lives. These entities can and have created a milieu of debilitating consequences such as decreased and delayed reimbursement for our services, increased practice costs, and a horrible professional liability crisis.

It is now time to take steps to remedy our situation. These steps will not correct our problems overnight but will help put in place the necessary "pieces of the puzzle" to address and bring about a positive solution. You must first REGISTER to VOTE and then VOTE. Too many of our colleagues and their spouses fail to vote and then miss the opportunity to effect change. By not voting and partaking in the political process, you are allowing our opponents too much influence over the issues which adversely impact our daily professional lives.

We are facing a serious crisis with regard to professional liability insurance premiums, to the point where physicians are considering the closing of their practice or relocating to another state. You can help to effect positive change in exercising political action by voting in this year's November elections for candidates who espouse our political agenda.

We have achieved recent political success with passage and enactment of Senate Bill 4, the "Prompt Pay" legislation which went into effect this July. Without physician participation and the actions of the Ohio State Medical Association this would not have succeeded. We can achieve more, and will, but only if you participate in the political process. As always, I ask your support of OMPAC which will continue its efforts on your behalf. There is still time to submit your 2002 contribution.

OMPAC is recommending your support of the following candidates:

**Bob Taft** for Governor.

Lt. Gov. **Maureen O'Connor** for the Ohio Supreme Court.

Justice **Evelyn Stratton** for re-election to the Ohio Supreme Court.

*(NB. It is imperative that both of these Candidate to the Supreme court be elected in order to restore a sense of judicial restraint and fairness. Election of both of these candidates will move us closer to professional tort reform.)*

**Ted Strickland** for the US Ohio 6<sup>th</sup> Congressional district.

**Ann Womer Benjamin** for the US Ohio 17<sup>th</sup> Congressional district.

**John Boccieri** for re-election to the Ohio 57<sup>th</sup> House district.

**Sylvester Patton** for re-election to the Ohio 60<sup>th</sup> House district.

**Ken Carano** for re-election to the Ohio 65<sup>th</sup> House District.

OMPAC has taken a neutral stance on the 33<sup>rd</sup> Senate district race involving incumbent Sen. Bob Hagan and his opponent Holly Hanni.



Dan Handel, MD  
OMPAC Chairman

*Daniel W Handel MD*

# Bulletin

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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.

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## CALENDAR

October 7, 2002	Voter registration deadline
October 30, 2002	Physician Rally, Statehouse Square, Columbus
November 3, 2002	MCMS Alliance Fundraiser to benefit "Touched by Nathan Foundation" Steinmart, Boardman
November 5, 2002	ELECTION DAY Don't Forget to Vote!
November 27, 2002	Deadline for Nominations for 2002 Distinguished Physician Award
December 3, 2002	Nominating Committee meets
January 28, 2003	Annual Meeting, Holiday Inn, Boardman

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## From the President

by Eugene L. Potesta, Jr., MD

*Editor's Note: This article was written in response to a letter in the Business Journal from Attorney Jim Pazol which, in our opinion, did not completely or accurately reflect the points made in the original interview given by Dr. Potesta, or the facts of the medical lawsuit insurance crisis. Dr. Potesta's response was, unfortunately, never printed in the Business Journal.*

As a physician concerned about the future of health care and the impact of medical lawsuit premiums on access to care, I must address the June 27 article, *In Defense of Trial Lawyers*, by James Pazol. Mr. Pazol recognizes part of the problem with increased malpractice premiums -- insurance companies undercutting prices in the 1990's to invest in the stock market. Now, carriers have to make up for the loss in the stock market by increasing insurance premiums. I couldn't agree more; however, he fails to mention the impact of escalating jury awards on medical lawsuit premiums. As I stated in my May 2002 article, 45 percent of jury awards exceed \$1 million. Not to mention that the average jury award is more than \$3 million, median jury awards have increased 43 percent between 1999 and 2000 and awards for medical liability claims grew at seven times the rate of inflation, according to Jury Verdict Research.

Ohio needs to find a solution to this crisis. I support Pazol's statement that part of the solution is to "reduce incidents of medical malpractice in Ohio." I can't think of one physician who would disagree with that statement. Physicians strive to provide the best quality care possible; however, there are instances when an unfortunate mistake is made. Medicine is not an exact science. Physicians are concerned about patients with legitimate medical claims and believe in fair and reasonable compensation for the patient when serious errors occur. However, this is not the issue. The issue is the fact that the current legal climate has become unreasonable and out of control with the resulting spiral of costs now impacting the patients themselves.

Medical lawsuit insurance rates must come down quickly because they are damaging patient access to quality care. The American Medical Association (AMA) has identified Ohio as one of a dozen states where physicians are leaving, retiring early or abandoning high-risk services because they cannot afford or find liability insurance. The AMA also ranked Ohio among the top five states for premium increases in 2001. As insurance becomes unaffordable or unavailable, physicians may be forced to drop vital services and high-risk procedures and even to leave practice, especially those physicians in high-risk specialties. This will impact all Ohioans, not only Youngstown-area residents.

The time for tort reform is long overdue. The reforms contained in Senate Bill 281 have already been tested in California, as part of a successful law known as MICRA (Medical Injury Compensation 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 percent. S.B. 281 does not close the door to legitimate malpractice claims. As medical professionals, we are concerned about patients with legitimate claims, and we support fair and reasonable compensation. This piece of legislation does not restrict the amount of economic damages (e.g., past and future medical expenses, loss of past and future earnings, etc.) awarded to an injured patient, assuring he or she receives fair compensation.

There are many factors that contribute to soaring medical lawsuit premiums. We can debate statistics and expert sources and place blame on the trial lawyers, the insurance industry and the medical community. However, it is important to focus on what is really at stake -- access to quality medical care. I encourage all Ohioans to learn about and understand the impact of tort reform and the potential threat to their rights to accessible, convenient and quality medical care.

A handwritten signature in cursive script, reading "Eugene L. Potesta, Jr.".

## FROM THE DESK OF THE EDITOR

Denise L. Bobovnyik, MD



### October 30: Save this date!

The OSMA will sponsor a statewide rally for all physicians, Alliance members, staff and patients on Wednesday, **Oct. 30, 2002** at 10 a.m. on the West Lawn of the Statehouse in Columbus.

The rally has been scheduled just before the Nov. 5 elections to call attention to the state's professional liability crisis, and the importance of the Ohio Supreme Court election to tort-reform legislation, Senate Bill 281 (SB 281). Passage of SB 281 is expected to help stabilize the professional liability marketplace.

**It is critical that you, your staff, patients, friends, spouse and colleagues attend the Oct. 30 event.** Put the date on your calendar NOW. Begin recruiting everyone you know to come. Make plans to provide coverage and alert your patients to what your coverage availability is, then come join the OSMA, your county medical society, specialty societies, Ohio hospitals, the OSMA Alliance and other groups as we show **unified** support in the effort to solve Ohio's professional liability crisis. Whether or not you have participated in another rally this year, **you need to attend this rally.**

Pre-register for the event with the Mahoning County Medical Society, or by logging on to the OSMA Web site, [www.osma.org](http://www.osma.org) You'll find the link on the home page, under the "Professional Liability Insurance Crisis" headline.

Details for the event are still being planned, so watch for regular updates on the OSMA Web site and in OSMA publications. Or call the Mahoning County Medical Society, (330) 758-1624, for more information.

**Whatever you do, circle the date and plan to be there! This is one call to action you don't want to miss!**

A handwritten signature in cursive script, appearing to read "Denise L. Bobovnyik".

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Saba, Netherlands Antilles  
Internship: St. Elizabeth Health Center, Youngstown, OH  
Residency: St. Elizabeth Health Center, Youngstown, OH

**Karan D. Singh, MD**  
Cardiology

Advanced Cardiology, Inc.  
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Poland, OH 44514

Medical Education: Government Medical College Guru Nanak  
Dev. Univ., Punjab Amritsar, India

Internship: Baylor College of Medicine, Houston, TX  
Residency: Postgraduate Institute of Medical Education &  
Research, Chandigarh, India  
Residency: Baylor College of Medicine, Houston TX  
Fellowship: University of Missouri, Columbia, MO  
Fellowship: Geisinger Medical Center, Danville, PA

**Reema Taneja, MD**  
Internal Medicine

1240 Boardman-Canfield Rd.  
Boardman, OH 44512

Medical Education: Dayanand Medical College & Hospital,  
Ludhiana, Punjab  
Internship: Northside Hospital, Youngstown, OH  
Residency: Northside Hospital, Youngstown, OH

**Chad Volovar, MD**  
Family Practice

Ohio Family Health Care Associate, Inc.  
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Medical Education: Northeastern Ohio Universities College of Medicine,  
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Internship: St. Elizabeth Health Center, Youngstown, OH  
Residency: St. Elizabeth Health Center, Youngstown, OH

**Vincent S. Ricchiuti, MD**  
Urology

N. E. O. Urology Associates  
602 Parmalee Ave., Suite 300  
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You can still complete an OSHA Partnership Agreement to become a "Distinguished Partner" and avoid the OSHA programmed inspection list. The partnership also qualifies you to attend special 10-hour workshops for supervisors and managers. Application forms are available from the Society office.

2003 dues statements are in the mail! If you received a "superbill" with all the physicians in your practice billed together, and you wish to pay individually, you may still do so. The superbills were sent by the OSMA as a convenience for group practices, but we understand that it may not fit into your accounting system. If that's the case, simply send your state and county dues directly to the Mahoning County Medical Society as you have in the past and we'll take care of the rest.

Were you on vacation when photos were being taken for the new print directory? If you have a recent professional portrait you like, you can send it along with a \$15 insertion fee to the Society. If your photo appeared in the last directory and you would like to use the same one, you may do that also.

If you haven't already ordered your "Take Back the Court" kit from the OSMA, do it today! The kit contains posters, brochures, sample letters and more -- everything you need to advocate for a change in the Ohio Supreme Court this election. Call the OSMA at 1-800-766-6762, or log onto [www.osma.org](http://www.osma.org) and click on "Take Back the Court".

## MCMS HONORED BY CHAMBER



Chamber President Tom Humphries presents  
2002 Salute to Business Award to Dr Eugene Potesta

On August 29, the Mahoning County Medical Society was honored by the Youngstown-Warren Regional Chamber of Commerce at the 2002 Salute to Business Breakfast. A certificate was accepted by MCMS President Dr. Eugene Potesta in recognition of 130 years in business in the Mahoning Valley. The MCMS is the oldest professional society in the city and the county.

## WELCOME NEW RESIDENT MEMBERS

The Mahoning County Medical Society is pleased to welcome the following new residents to membership in the Society:

### St. Elizabeth Health Center

Dominic Conti, DO  
David Dyck, MD  
Sohol Harjyot, MD  
Wilson Sawa, MD  
Arthur Smith, MD

### Forum Health

Rafat Ahmed, MD  
Taka Kido, MD  
Sameh Morkous, MD  
Thanh Nguyen, MD  
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Nibha Saxena, MD  
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### *In Memoriam*

**Andrew A. Detesco, Sr., MD**

*April 23, 1917 - August 8, 2002*

### **FOUNDATION AWARDS LOAN**

At the annual meeting of the Mahoning County Medical Society Foundation Board, a vote was passed unanimously to award a loan to James Shina, Jr. of Austintown. Mr. Shina, the son of James, Sr. and Mary Shina, is in his senior year of medical school and will graduate from NEOUCOM in May 2003. He plans to return to the Mahoning Valley to practice medicine.

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