



Bulletin

of the Mahoning County Medical Society
March - April 2004

TRI-COUNTY PHYSICIANS LAUNCH AWARENESS CAMPAIGN

On April 14, 2004, physicians from the Mahoning, Trumbull and Columbiana County Medical Societies gathered with television, radio and newspaper reporters in the vacant office of Dr. Joseph Colella to announce a public awareness campaign designed to alert Mahoning Valley residents to the growing healthcare crisis arising from the soaring cost of medical malpractice insurance that is forcing doctors to leave the area.



With malpractice insurance rates increasing an average of 60 percent yearly in some areas of medicine, close to 30 physicians and surgeons from the three-county area have had to relocate their practices, retire, or stop doing high-risk procedures. Mahoning, Trumbull and Columbiana counties are among the 14 counties in Northeast Ohio that have the highest insurance rate classification, according to information from the Ohio Department of Insurance.

“Frivolous malpractice lawsuits are threatening access to healthcare in our community,” said MCMS president Dr. Marc Saunders. “The frequency of frivolous or non-meritorious suits being filed is outright abuse of the legal system, and if they continue to be filed at the current rate, there will be fewer and fewer skilled physicians to serve this community’s health needs.”

The public awareness campaign is called “Where Does It Hurt?” and is designed to engage the community on the issue that abuse of the malpractice legal system is hurting everyone. The effort was originally conceived by Dr. Larry Woods and is being spearheaded by the three county medical societies with financial support from the medical staffs of the local hospitals.

“This is a situation that’s becoming worse year to year -- we’re losing doctors to other states where the rates are not so high; what’s equally as detrimental is that we are not having much success in attracting or recruiting physicians and specialists to the area,” said Dr. Thomas Kaminski, president of the Trumbull County Medical Society. Ohio is one of 19 states classified by the AMA as in a “full blown liability crisis” due to the number of non-meritorious cases filed in the state. “This campaign is about painting a very clear picture to people that malpractice suits filed without merit are driving up insurance premiums to such exorbitant rates that doctors cannot afford to pay them and keep their practices open,” said Columbiana County Medical Society president Dr. Dean Economus.

Television ads began running on April 22nd on local stations, and the campaign also has a website, www.wheredoesithurt.org, where more information can be obtained. Coming up in the next month, all physicians who are members of their county medical society will receive brochures and posters for the office to make patients aware of the crisis and how they can help. Anyone wishing to obtain more information, or physicians wanting to become a member of the county society should call 330-758-1624.

Bulletin

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The Bulletin is published bimonthly by the
Mahoning County Medical Society, 7355 California Avenue, Suite 3,
Youngstown, Ohio 44512.
Phone (330) 758-1624 Fax (330) 758-1805.
www.mahoningmed.org

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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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CALENDAR

| | |
|----------------------------|---|
| <i>May 14-16, 2004</i> | <i>OSMA Annual Meeting, Cincinnati</i> |
| <i>May 25, 2004</i> | <i>Society Dinner, Holiday Inn, Boardman</i> |
| <i>June 17, 2004</i> | <i>OSHA Workshop, Antone's</i> |
| <i>June 24, 2004</i> | <i>Canfield Fair Exhibitors Breakfast, Canfield Fairgrounds</i> |
| <i>September 1-6, 2004</i> | <i>Canfield Fair</i> |
| <i>September 28, 2004</i> | <i>Society Dinner, Holiday Inn, Boardman</i> |

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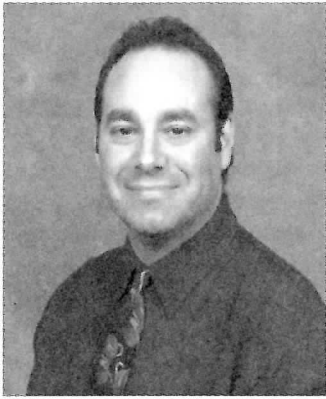
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From the President

by Marc S. Saunders, DO

Well, it's begun. The medical malpractice abuse awareness campaign is off and running. We had our press conference on April 14, 2004 to announce its intention, and have had favorable press, for the most part. The first TV spot aired April 22, 2004, and will run on all 3 network stations a total of 22 times per day in prime viewing hours for over a month. I am writing this on the first day of airing, and already people are approaching me with support for our cause.

In addition to the "in your face" advertising we are doing, let me tell what else I've been up to lately. We recently had a round table discussion at the Boardman Holiday Inn that was sponsored by the Youngstown *Business Journal*. Its transcript will be published in May and June in the *Business Journal*. We were allowed to suggest the guest list, so we had the presidents of the three local medical societies, Director Ann Womer-Benjamin of the Ohio Department of Insurance, representatives from Forum, Humility of Mary, and Salem Hospitals, and State Representative Chuck Blasdel from Columbiana (please note the conspicuous absence of any trial attorneys).

At least two interesting points came out of this meeting. First, Director Womer-Benjamin insisted that the number of malpractice cases is NOT the cause of the increase in premiums, since the number of "cases" hasn't changed significantly. When it was pointed out to her that a "case" is simply a docket number in a county courthouse, but that for each "case", ten or twenty physicians may have been sued and ultimately dismissed, it became clear that this information has been lacking. We are going to send out a survey (you may already have filled it out by the time this prints) that will give the State of Ohio more of an idea how abusive the current system is. Second, when a suggestion was made to make attorneys accountable for filing non-meritorious claims, Representative Blasdel showed a great deal of interest, and took a copy of a resolution I wrote with him. This is going to be presented to the OSMA House of Delegates in May.

I had breakfast one Sunday morning in April with Senator Marc Dann, and discussed the whole medical malpractice crisis with him. I told him about my "attorney accountability" idea, and he told me about his ideas for solving the problem. Believe it or not, it appears we have a Democratic Senator in our court. He would like to see legislation that would limit the number of physicians that could be sued in one case to two, and wants to establish a law requiring any lawyer initiating a malpractice case to be board certified in malpractice law. I asked him to contact Representative Blasdel to try to put together something meaningful.

In case you hadn't read the paper recently, I had a question addressed to me in the "Letters to the Editor" section of the *Vindicator* asking if I knew of any frivolous case that had ever been won by a plaintiff in court. I pointed out that what we're actually up against is the naming of blameless physicians in cases which causes increased insurance losses. To illustrate our plight, I gave an example of an innocent driver who gets a ticket three days in a row just because he was in the vicinity of some other guy who was speeding, because a state trooper with a radar gun couldn't figure out who was speeding so he decides to ticket everyone in the general area. This drives up the driver's auto insurance rates, and everyone else's too, because all these tickets tell the insurance company Youngstown's drivers are risky. Same story for the doctors. Hopefully, this is easy enough for the public to understand. By the way, it's been nice to see more letters from doctors on the OP/ED pages. Keep it up.

Remember, if you have personal anecdotes about being improperly named in a lawsuit, write or fax us with the details. We are continuing to gather information for use in Columbus. Soon it will be time to start telling your patients who to vote for in the Supreme Court races in the fall. For now it's on to the next phase of the awareness campaign. See you next issue with more news.



This Space for Rant

My new phone books came the other day, which is always kind of a mixed blessing in my opinion – now I can find the listing of the newest popular restaurant without calling information, but last year's edition, personally customized with hard to find numbers written in the margins, and my fourth grader's girlfriend's number highlighted, is gone.

An interesting feature of the book of late are special sections of the yellow pages, which are themselves highlighted along the margin, presumably to attract attention to their specific contents, presumed further to be of easier use for their more frequent need. Whether this is for the benefit of the reader or advertiser, I'm not sure, but I am sure you can guess which section is the largest. Yes, the Attorneys take the cake with 64 pages, many of which are full page layouts, hawking their specific area of expertise and parasitism. More interesting yet is what appears to be an inverse relationship between the size of the advert and the repute of the firm. I really enjoy those featuring photos of the principals, as if their countenance will somehow induce me to trust them with my legal / financial / marital / criminal problem. Or how about the one featuring that washed up actor – sure, I trust him, certainly he knows a good lawyer when he sees one. I wonder if he comes along for the depositions – maybe I can get an autograph?

Unfortunately, the lawyers aren't the only ones using this feature. My walking fingers were also drawn to the other highlights – Automobiles (28 pages), Dentists (10), Insurance (25), Restaurants (7), Shopping Malls (3), Wedding Guide (6), and, yes, Physicians and Surgeons, with 26 full pages of listings. (Pizza has 7 pages, but no color highlight.) To be fair, though, not a full page ad in there, and all are small and tasteful, each giving the desired impression of professionalism, availability, and competence, and all implying compassion. There wasn't a single instance analogous to those found under "Attorney" – thank goodness, because then it might read "FAT??? CALL OUR BARIATRIC CENTER!!!", or "UGLY??? SEE OUR PLASTIC SURGEONS".

Why such a proliferative representation for our profession? The vast majority of us, including those with actual dedicated ads beyond simple listings, are busy enough and not looking for more to do. We tend to be reluctant in self promotion, usually more interested in promotion of our patients' and community's well being. One reason for the size I'm sure is that each physician is listed about 6 times, under every conceivable combination of subheading – this feature is pushed upon us by the sellers of the book itself. Actually, I'm fairly certain that it is their influence that leads many of us to take out more listing space and features than we need or desire as well. The space we take confounds me further, especially given the fact that, to my knowledge, I have never had a productive relationship, financially or otherwise, with anyone who came to me as a result of walking fingers.

So who cares? Well, we are known by the company we keep, and I think we might want to distance ourselves from anything with even the appearance of self promotion lest we be seen in the same light as those with whom we are currently at odds. We are better than that and should act like it. But this goes far beyond the yellow book, especially with the burgeoning use of the internet. For instance, a new procedure known as Minimally Invasive Surgery under investigational use in hip replacement, with only 10 peer reviewed articles published to date, can be found being promoted at over 2000 web sites through a simple web search. This is nothing more than the bait and switch tactic so abhorred in car sales, as very few patients are even candidates for said procedure, not to mention the fact that this approach is many years away from becoming a standard of care for even those few candidates. Instead, some are using the media as a marketing tool to entice unsuspecting patients into their grasp on what is likely to be essentially false pretense.

I have addressed this issue before ([Step Right Up](#), Bulletin Vol. 64, No. 2, 1994), in response to a promotion wherein registrants to a seminar might win a free radial keratotomy (!) – which I now again find directly to my point. The procedure may change, but the approach for some does not. Instead, we should all remember why we are here – to do the right thing, at the right time, for the right reason, for the patient. Follow those simple rules, and they will find us, with or without the yellow book or internet access.

Bits 'n' Pieces

2004 DUES ARE PAST DUE

Mahoning County Medical Society dues were due on January 1. Members who have not paid their dues or arranged a payment plan will forfeit all MCMS and Ohio State Medical Association benefits -- including a complimentary copy of this year's Membership Directory. Dues reminders have been mailed. Don't let your benefits lapse. If you have any questions, call MCMS at 330-758-1624.

A portion of your dues is tax deductible

The percentage of your dues that does not support lobbying or political activities is tax deductible. For 2004 dues, the percentages are as follows:

- * AMA - 61 percent deductible
- * OSMA - 77 percent deductible
- * MCMS - 100 percent deductible

CRISIS HIGHLIGHTED IN *BUSINESS JOURNAL*

The presidents of Mahoning, Trumbull and Columbiana County medical societies participated in a roundtable discussion of the malpractice insurance crisis hosted by the *Business Journal*. Ohio Department of Insurance Director Ann Womer Benjamin also participated in the discussion which will appear in the late May and early June issues of the publication. All members will receive complimentary copies of those issues.

CHANGES TO DIRECTORY

Even though the new directory is hot off the press, there are already changes! You will be receiving your directory in the mail soon. Please note the following:

ADDRESS CHANGE:

Drs. Sudhir Nallapaneni and Bhargava Ravi
Youngstown Internal Medicine
550 Parmalee Ave., #100
Youngstown, OH 44510
Phone: 330-743-6270
Fax: 330-743-6596

George Ellis, MD - dropped membership

SUPREME COURT RACES

Once again this year, preserving the philosophical majority on the Ohio Supreme Court is a priority for physicians and critical to the future of medicine. The MCMS and OSMA will be conducting voter education campaigns regarding the importance of the upcoming elections, and OMPAC will be working to support the election efforts of **Chief Justice Tom Moyer, Justice Terrence O'Donnell and Judge Judy Lanzinger** for the Ohio Supreme Court.

YOUR HELP IS NEEDED

If you or someone you know is being sued by an out-of-state plaintiff, please contact the Ohio State Medical Association. You may be able to help in the affirmation of the constitutionality of S.B. 281, the tort reform legislation passed last year. Call 1-800-766-6762, or email osma@osma.org.

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

Internship: Youngstown Osteopathic Hospital

Residency: Youngstown Osteopathic Hospital

Beverly Roberts-Atwater, DO

Physical Medicine & Rehabilitation

Quality Healthcare of Northeast Ohio
822 E. Western Reserve Rd.
Poland, OH 44514

Medical Education: Michigan State University College of
Osteopathic Medicine

Internship: Union Hospital, Union, NJ

Residency: JFK Johnson, Edison, NJ

Fellowship: Ohio University, Athens, OH

Bruce Ziran, MD

Orthopaedic Surgery

Director of Orthopaedic Trauma
St. Elizabeth Health Center
1044 Belmont Ave.
Youngstown, OH 44501

Medical Education: Case Western Reserve University School of
Medicine, Cleveland, OH

Internship: University Hospitals of Cleveland

Residency: University Hospitals of Cleveland

Fellowship: University of California Davis Medical Center

Fellowship: AO International Inselspital, Bern,
Switzerland

DR. ANAND GARG HONORED

The Federation of State Medical Boards bestowed its John H. Clark, MD Leadership Award to Anand G. Garg, MD, at the Federation's 2004 Annual Meeting in Arlington, VA. The award recognizes individuals who have demonstrated outstanding leadership, a commitment to advancing the public good and dedication to the field of medical licensure and discipline at the state and national level. Dr. Garg is past president of the State Medical Board of Ohio.

DR. RON DWINNELLS TESTIFIES BEFORE CONGRESS

On behalf of community health centers across the nation, Dr. Ron Dwinnells urged Congress to increase funding in testimony before an appropriations subcommittee chaired by Rep. Ralph Regula, R-Bethlehem Township. President Bush has proposed increasing funding by \$219 million next year. Dr. Dwinnells urged the subcommittee to add another \$31 million to that proposal.

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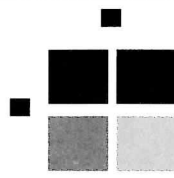
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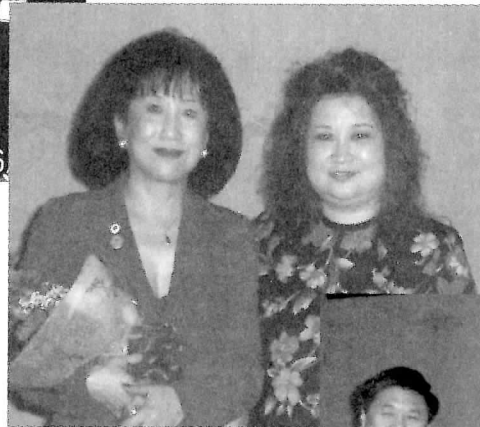
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International Dinner Photo Gallery



Florence Wang was joined by many friends and family for her big night, including her sister, Anna Huang, Dr. & Mrs. Robert Jenkins, and former MCMS Executive Director, Eleanor Pershing. Entertainment was provided by the ROCck Choir, a group of children who are cancer survivors. The evening was planned by Ann Might and Heidi Boening.





"Gem of the Year" Florence Wang

Gem of the Year ... Florence Wang

Mrs. Florence Wang was honored as the MCMS Alliance "Gem of the Year" at the annual International Dinner, March 26th, at Tippecanoe Country Club. This is the eleventh year for the award, presented to an Alliance member who has generously donated her time and talent to the Alliance. The award was presented by Dolly Handel, a past president of the Alliance and former Gem of the Year.

Florence's record of volunteerism includes not only the Alliance, but also the PTA, Campfire Girls, Ballet Western Reserve, Leadership Mahoning Valley, International Institute Foundation, Youngstown Symphony Guild and Youngstown Symphony Society, YWCA and American Red Cross.

Five years ago, Florence started the American Red Cross Red and White Ball. She has been chairwoman of the "American Holiday at the Butler" for the Butler Institute of American Art for six years. Among her many awards are the YWCA Woman of the Year, Youngstown Federation of Women's Clubs Community Service Award, American Red Cross service award, Ohio Association of Community Leadership Award, and an award from the Red Cross Society of China.

She and her husband, Dr. Hai-Shiuh Wang, have four daughters. They reside in Canfield.



Florence Wang and Dolly Handel



Dr. & Mrs. Hai-Shiuh Wang

First "Golden Gem of the Year" ... Virginia Detesco

The first Golden Gem of the Year Award, created by Alliance President Gloria Detesco and her board to honor a formerly active Alliance member, was presented posthumously to Virginia Detesco at the annual International Dinner. The award was presented by her daughter-in-law, Gloria Detesco, and accepted by her daughter, Leah Moody, in recognition of the late Mrs. Detesco's over 55-year involvement with the Mahoning County Medical Society Alliance. Eight members of the Detesco family were present at the dinner to celebrate this honor.



The Detesco Family



Alliance President Gloria Detesco presents the "Golden Gem of the Year" Award to her late mother-in-law, Virginia Detesco.



Leah Moody, daughter of the late Virginia Detesco, accepts the "Golden Gem of the Year" presented to her mother.

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