



THE FORUM

September/October 2015 • Volume 14, No. 5 • The Official Magazine of Collier County Medical Society

CCMS Delegation Represents our Members at FMA Annual Meeting



CCMS Delegates (front, L-R) Dr. Cesar De Leon, Dr. Catherine Kowal, Dr. James Talano, Dr. Rebekah Bernard;
(back, L-R) Dr. Alejandro Perez-Trepichio, Dr. Jose Baez, Dr. Eric Hochman, Dr. Rafael Haciski

In this issue:

A Healthcare Provider's Right to Counsel

Physician Led Access Network

Critical Information on Emergency Departments

CALENDAR OF EVENTS

Unless otherwise noted,
Register at www.ccmsonline.org
or call (239) 435-7727

Thursday, September 10, 6:00pm
CCMS Fall General Membership Meeting
Hilton Naples

Saturday, September 26, 7:30am
Foundation of CCMS Golf Tournament
Bonita Bay Club Naples
Contact CCMS for sponsor/exhibit opportunities
or visit ccmsfoundation.org

Friday, October 2, 12:30pm
CCMS Women Physicians Luncheon
Brio Tuscan Grille

Thursday, October 8, 5:30pm
CCMS After 5 Social
Naples Sailing & Yacht Club
Co-hosted by JPMorgan Chase

Saturday, October 17, 6:00pm
PLAN Fundraiser: "Swanky Speakeasy"
www.plancc.org/events

Saturday, October 24, 6:00pm
Foundation of CCMS Wine Tasting Fundraiser
Naples Wine Collection

Thursday, November 5, 5:30pm
GI Symposium
Kensington Country Club

Friday, November 13, 6:00pm
CCMS New Members Welcome Reception
Wyndemere Country Club

Saturday, November 14, 9:30am
Blue Zones Kick-Off Celebration
North Collier Regional Park

SAVE THE DATES!

January 14-19, 2016
CCMS Ski Trip
Vail, Colorado

May 14, 2016
CCMS Annual Meeting & Installation of Officers
Naples Beach Hotel & Golf Club

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Physician Directories:

Each CCMS member and office manager should expect to receive a new 2015-16 CCMS Physician Directory by the end of September/early October; please check your mail for your copy. Extra copies will also be delivered to the hospitals and major medical facilities. Should you need any additional directories, more will be distributed at CCMS events or can be picked up at the CCMS office.

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Views and opinions expressed in *The Forum* are those of the authors and are not necessarily those of the Collier County Medical Society's Board of Directors, staff or advertisers. Copy deadline for editorial and advertising submission is the 15th of the month preceding publication. The editorial staff of *The Forum* reserves the right to edit or reject any submission.

MEMBER NEWS

New Members:



Thomas G. Bruno, M.D.
Florida Pain Center
730 Goodlette Rd Ste 200
Naples, FL 34102
Phone: (239) 659-6400 Fax: (239) 659-7030
Board Certified: Anesthesiology, Pain Medicine



David E. Eichten, D.O.
Joint Implant Surgeons
1020 Crosspointe Dr Ste 110
Naples, FL 34110
Phone: (239) 337-2003 Fax: (239) 337-3168
Board Certified: Orthopaedic Surgery



Daanish A. Kazi, D.O.
Surgical Healing Arts Center
6150 Diamond Centre Ct #1300
Ft. Myers, FL 33912
Phone: (239) 344-9756 Fax: (239) 344-9215
Board Certified: General Surgery



Chirag S. Patel, M.D.
Physicians Regional Medical Group
6101 Pine Ridge Rd Desk 12/13
Naples, FL 34119
Phone: (239) 348-4330 Fax: (239) 348-4478
Board Certified: Orthopaedic Surgery



Krystine Swannick, M.D.
Nephrology & Hypertension Specialists Inc
1213 Piper Blvd #101
Naples, FL 34110
Phone: (239) 254-0099 Fax: (239) 254-1908
Board Certified: Internal Medicine, Nephrology



Vivian M. Torres, M.D.
Physicians Regional Medical Group
6101 Pine Ridge Rd
Naples, FL 34119
Phone: (239) 348-4212 Fax: (239) 348-4213
Board Certified: General Surgery

Reinstated:



Karl K. Korri, M.D.
NCH Physician Group
801 Vanderbilt Beach Rd
Naples, FL 34108
Phone: (239) 596-9482 Fax: (239) 597-4769
Board Certification: Emergency Medicine

Retired Member

Ronald Scott, M.D.
Emergency Medicine

CCMS Member Dues

The 2016 CCMS membership dues deadline is December 31, 2015. You (or your group) can pay at www.ccmsonline.org (see our Membership page, where Alliance members can also download their join/renew form). Printed dues invoices will also be mailed to members who pay individually or to practices for group payment. To pay your FMA dues, go to flmedical.org, and to pay your AMA dues go to ama-assn.org.

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A Message from the President

Eric Hochman, M.D., President, Collier County Medical Society



Your FMA delegation has recently returned from the annual Florida Medical Association meeting in Orlando held from July 31st through August 2nd. This was a great opportunity to see firsthand how the FMA functions and participate in the medical political process. As you are all aware, this is a very important time in the evolution of the medical system in our country. It is evident from this pivotal weekend of political development, individuals can make a difference. **YOU CAN MAKE A DIFFERENCE.**

Collier County Medical Society is thriving compared to many medical societies around the state. We have 547 members, which is up about 5% from last year. As a point of reference, Dade County, which obviously have many more practicing and retired physicians than Collier County, has between 700 and 800 members. In fact many, if not most medical societies in Florida have only 10-20% participation! So in this regard, we are doing a great job. Thank you for your involvement and for making a difference in

our community. Please encourage your colleagues to consider joining and further strengthening our Medical Society.

We do not fare so well with regard to participation at the state level. Collier County has about 250 members in the Florida Medical Association. Each county society may have 1 voting delegate for every 40 members. These voting members are able to help sculpt the future of medical care in Florida. Quite simply, the more members we have at the FMA, the louder our collective voice can be.

Whenever a few physicians get together and start talking about their professions, invariably the topic of dissatisfaction with the climate of medicine, and often FMA and AMA policy arises. I have been part of these conversations on a regular basis over the years. Many of us, including myself, are guilty of quickly pointing out flaws and noting our dissatisfaction, rather than focusing on solutions.

If you are not happy with where medicine seems to be heading, then let your voice be heard in a manner and location that can make a difference. This year I personally observed how this process can work. While discussing the resolutions assigned to one of the reference committees, the House of Delegates voted to pass along a resolution to the board for review and consideration. However, before moving on to the next issue, a physician worked his way to the microphone to request the issue be reconsidered for more discussion on the floor. As he made some very good points, his one voice and thoughts alone persuaded the House, and the House then voted to reconsider this issue. And after a bit more discussion and debate, the resolution passed. One physician...one voice.

If you are at all interested in getting involved with the political process, now is the time. Even if you do not think you are interested, I encourage you to attend the FMA meeting next July. Although only the CCMS official delegation has voting rights, the meeting is open to all FMA members. Even if you do not have a vote, your voice can make an impression and a difference.

Some of the important issues that were discussed, voted on, and ultimately passed by the House of Delegates include the recommendation to continue work on insurance marketplace competitiveness, to follow in California's footsteps and remove exemptions on vaccinations for children, and to continue developing solutions for inadequate healthcare networks and inadequate out-of-network reimbursement. Finally, there was a lot of attention and discussion regarding the topic of alternatives to maintenance of certification.

If you are interested in more details about the meeting, please free to talk to me or any other CCMS board member or FMA delegate. Also, the report from the FMA meeting is available for download on the CCMS website: ccmsonline.org/documents/FMA-Annual-2015-Report.pdf. Thank you, and I hope you all had a nice summer.

Eric Hochman, M.D., gcmedicine.com

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CCMS Delegation Represents our Members at FMA Annual Meeting

This year, CCMS delegates made a significant impact to the Florida Medical Association 2015 Annual Meeting, July 31st – August 2nd. CCMS and delegation chair Dr. Eric Hochman chaired the Lower West Coast Caucus, consisting of Charlotte, Collier, Hillsborough, Lee, Manatee, Polk, and Sarasota counties. The CCMS delegation was also fortunate to have appointments to each of the reference committees, as well as the credentials & rules committee. The meeting included a busy weekend of the House of Delegates, CME events, FMA PAC luncheon with state legislators, and celebrating the installation of new FMA officers.

CCMS was allotted seven delegates, based on the number of FMA members in our County. In addition to Dr. Hochman, the team consisted of return delegates Dr. Cesar De Leon, Dr. Rafael Haciski, Dr. Catherine Kowal, Dr. Alejandro Perez-Trepichio and Dr. James Talano; new delegate Dr. Rebekah Bernard, and new alternate delegate Dr. Jose Baez. CCMS member and past president Dr. Corey Howard also attended as FMA Speaker and member of the FMA Board of Governors.

Dr. Baez, as new attendee of the FMA Annual Meeting commented that it was a very informative and educational experience. “Reuniting with colleagues new and old allowed for brisk discussion with face-to-face communication and collaboration. In this manner, we were able to accomplish and vote on many appropriate resolutions that impact our daily lives as physicians. Having physician representatives from all the counties in Florida was very uplifting and demonstrates that the House of Delegates stands as a testament to the strength and stability of the house of medicine in Florida!”

FMA Elections

Each year at the Annual Meeting the House of Delegates elects FMA’s leadership. Dr. Ralph Nobo from Polk County was elected FMA’s 139th President. To read Dr. Nobo’s installation remarks, visit <http://bit.ly/1hfAp2K>. CCMS is proud to announce the re-election of Dr. Howard as FMA Speaker and AMA Delegate. Additionally, the candidate CCMS supported in the contested race of FMA Vice-Speaker, Dr. Joshua Lenchus from Miami, also won his election.

Committees

CCMS was privileged to have representation on all

FMA reference committees, which review the resolutions proposed to the House, hear testimony and make recommendations for action. Dr. De Leon was on the committee for Health, Education and Public Policy; Dr. Kowal was a member of the committee on Finance and Administration for the second straight year; Dr. Hochman was appointed to the Legislation committee; and Dr. Talano to the committee on Medical Economics. Dr. Haciski was a member of the Credentials & Rules committee, which makes recommendation to the House on late resolutions and conducts the elections.

Resolutions

The CCMS resolution, “Enhanced Patient Care Through Information Sharing and Coordination” received supportive testimony, and with the reference committee’s recommendation, the House referred this resolution to the FMA Board of Governors for further study. CCMS is hopeful this resolution will bring more attention to the problems with the lack of EHR interoperability in Florida.

In total, 41 resolutions were presented. After House action, 17 resolutions were adopted, 14 resolutions were referred to the Board of Governors, 4 were reaffirmed (action already taken or existing policy), and 6 were not adopted.

Below is a synopsis of some of the meeting’s more noteworthy adoptions. Find the complete list of actions at ccmsonline.org/documents/FMA-Annual-2015-Report.pdf.

Resolution 15-102 Physician and Medical Staff Member Bill of Rights: FMA will encourage the formation of Medical Staff Advocacy Committees throughout Florida; support the Committees’ role with medical staff issues and communications between physicians and hospitals; publicly announce the Physician Medical Staff Bill of Rights and urge medical staff leadership and hospital administration to adopt.

Resolution 15-104 Electronic Medical Record End User Survey: conduct an online survey of members on the end-user experience with electronic medical records to collect data in the same manner as physicians are graded by patient reported outcomes with the express intention

Continued on Page 7

Continued from Page 6

of publishing those results.

Resolution 15-304 Childhood Immunization Law: support legislation to ban personal and religious exemptions and to require biennial renewal of medical immunization exemptions.

Resolution 15-312 Free and Charitable Clinics and Physician Volunteer Networks: support legislation to fund the Florida Association of Free and Charitable Clinics to provide grants to qualified free and charitable clinics, We Care and Project Access Programs for the purpose of the strengthening the capacity of these programs to serve Floridians in need of healthcare.

Resolution 15-404 Outpatient Observation: the FMA, in conjunction with the AMA and in coordination with the Hospital Association, shall work to assure that both patients and physicians are treated fairly in the process of delineating the hospital admission status of patients; the FMA believes that healthcare facilities should inform patients and their physicians of the



Dr. Hochman at his reference committee hearing



Dr. Talano at his reference committee hearing



Dr. DeLeon at his reference committee hearing



Dr. Jose Baez and Dr. Rebekah Bernard at the caucus meeting



Dr. Corey Howard gives his campaign speech during AMA delegate elections

financial responsibilities associated with their hospital admission status and any changes, and physicians should have control of any decisions regarding hospital admission status.

Resolution 15-407 Health Care Access to all Floridians Medicaid to Medicare Parity Reform Ho/PSN Statewide Expansion Oversight and Medicaid Eligibility Expansion through Federal Funding: re-establish a Medicaid Expansion Task Force and Grievance committee for physicians to monitor and hold accountability of Medicaid Managed Care Company compliance with Florida laws; offer legislative support to expand Medicaid consistent with FMA policy at the earliest appropriate time.

Resolution 15-409 Out of Network Coverage & Reimbursement: supports requiring managed care companies to pay provider charges for out of network coverage so that patients are protected; and working with the AMA to address the problem of inadequate networks and inadequate out of network reimbursement.



Dr. Kowal at her reference committee hearing



Dr. Rafael Haciski and Dr. James Talano with FMA Past President Dr. Alan Harmon



Drs. Jose Baez, Corey Howard, and Rafael Haciski at the FMA Installation Dinner

A Healthcare Provider's Right to Counsel

By Michael Petruccelli, Esq.



In medical malpractice litigation, physicians and other healthcare providers who are not parties to the lawsuit are frequently called upon to give depositions. Oftentimes, lawyers for either the plaintiff or defendant healthcare provider seek to obtain information relating to the medical care of a specific patient. Additionally, lawyers on either side may seek a treating physician's opinion on issues of standard of care or causation, essentially attempting to turn the non-party treating physician into an "expert witness."

Furthermore, there are occasions when a treating physician is deposed in a matter and that testimony is later used as a basis for naming that physician as a defendant in that very lawsuit! In view of the uncertainty and lack of comfort which many physicians associate with medical negligence litigation, some will seek the advice of counsel prior to their actual deposition and to have counsel represent them at the deposition.

Recent statutory changes enacted by the Florida Legislature extend physicians and other healthcare providers the right to retain counsel and discuss issues surrounding the case even if the physician/healthcare provider is being called as a witness at deposition or otherwise in pending litigation. The Legislature amended Florida Statute 456.057 in 2013 to allow non-party healthcare providers the right to speak with and retain counsel, in apparent response to the Florida Supreme Court holding in *Hasan v. Garver*. The *Hasan* decision held that private meetings between a non-party physician and their chosen attorney in advance of deposition violated the confidentiality provisions of F.S. 456.057, regardless of whether the attorney and the physician only discussed non-privileged matters during the conference.

Statute 456.057, as amended, now provides that the confidentiality provisions no longer apply if a healthcare provider reasonably expects to give a deposition or be called as a witness in the case. In the event a healthcare provider expects to be questioned in this setting, the provider may also request his or her insurance carrier to provide recommendations for attorneys; however, the insurance carrier cannot directly contact the provider to recommend that he or she retain counsel. If a healthcare provider receives a pre-suit notice of intent under chapter 766, no patient confidentiality provisions apply and the provider has the unconditional right to seek counsel and discuss all aspects of care and treatment with their counsel.

Additional legislative changes recently enacted, namely F.S. 766.0165, now permit prospective defendants to meet with treating physicians and discuss their care and treatment, even in absence of the claimant or the claimant's attorney, during the pre-suit screening process. As a condition precedent to filing a medical negligence action, claimants are now required to sign an authorization which permits a healthcare provider named as a potential defendant to interview the claimant's treating physicians, for purposes of investigating the allegations raised in the notice of intent. The claimant need only receive advance notice of the interview. Recent challenges to this law have proven to be unsuccessful at both the federal and state appellate levels.

In conclusion, non-party physicians and other providers who are being called upon to answer questions in a medical negligence setting now have the right to retain, and discuss the case with, counsel. To err on the side of caution, if a physician or other healthcare provider has any concerns regarding the process when being called upon to testify, the safest course is to seek the advice of counsel, especially if there is a concern that the potential exists for them to end up as a party to the litigation.

Michael Petruccelli is an attorney who practices in the areas of medical malpractice litigation, civil litigation, and healthcare law. He is board certified by the Florida Supreme Court in the area of civil trial law, and is AV rated by Martindale-Hubbell, the highest rating established by that service. Michael is also a member of the American Board of Trial Advocates (ABOTA), and an appointed fellow of the Litigation Counsel of America. He is licensed to practice law in Florida and Tennessee, and admitted to practice before the U.S. District Courts in the Southern and Middle Districts of Florida. Mr. Petruccelli can be reached by e-mail at mpetruccelli@flawyers.com.



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The Impact of the Physician Led Access Network of Collier County (PLAN)

Colleen Dunphy, Program Manager, PLAN

They say a picture is worth a thousand words, and this picture is a perfect example. Ask yourself what you see in the picture: meet Sean, a 37 year-old gentleman in an “I-beat-this” victory pose.

What did Sean beat, you ask? Sean has beaten Hodgkin’s Lymphoma.

Sean had suffered with chronic intractable itching and other health issues for over a year before being diagnosed at NCH with Hodgkin’s Lymphoma. The team of healthcare professionals at NCH spent several days laying out Sean’s aggressive treatment plan. He did not know how he was going to take these next steps ahead of him to recovery because he had already exhausted all his financial resources.

Sean’s oncologist, Dr. Rebecca Kosloff, referred him to the Physician Led Access Network (PLAN). Upon acceptance into the PLAN program, Sean was able to breathe a healthy sigh of relief and know that he had the support he needed to “beat this.”



Sean (right) with his Dad in May 2015

Sean’s treatments were orchestrated through PLAN and administered by the outstanding providers in our network, including Dr. Kosloff of Florida Cancer Specialists, Dr. Timothy Kerwin of 21st Century Oncology, Dr. William Kuzbyt of Behavioral Health Solutions and NCH Healthcare Systems.

Today, Sean remains in remission from his cancer. He is a spokesperson within the southwest Florida community on cancer and has a rewarding new career as an Insurance Agent. Sean wears his enthusiasm for life and gratitude to the healthcare professionals that gave him his second chance displayed in his larger-than-life smile.

PLAN is immensely grateful for the many providers in its network to whom patients like Sean can raise their arms in thanks and say, “I beat this.” The immeasurable generosity provided by PLAN’s over 200 providers is what makes the Physician Led Access Network of Collier County the valuable resource it is in our community.

It is PLAN’s continued mission to “Make a Difference in the Health of Our Community” by maximizing the donated resources available through our network of providers. There continue to be challenges in accommodating all the need of patients presenting to our program across all specialty areas.

We welcome all healthcare professionals to become PLAN Providers and extend their services to the underserved community in any capacity possible. PLAN is in immediate need for providers in the following specialties: Gastroenterology, Gynecology, General Surgery, Rheumatology, Neurology, and Nephrology.

Working together, we can improve the health of our less fortunate Collier County neighbors. And old sayings endure for a reason—many hands make light work! Join us as one of many participating providers in the PLAN Network, allowing for the coordination of more care while knowing the generosity of your services will be shared throughout the community.

On behalf of all patients, Sean, the Board of Directors of PLAN and PLAN staff all express gratitude to our PLAN providers.

Please contact me personally for more information on our program and becoming a PLAN provider. I also welcome you to join us for PLAN’s Swanky Speakeasy on Saturday, October 17th. This is a wonderful opportunity to meet the Board of Directors, PLAN staff and PLAN network providers to learn more about our program while enjoying a festive evening of entertainment.

Sincerely,

Colleen Dunphy, Program Manager
PLAN of Collier County

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Critical Information on Emergency Departments for our Local Physician Offices

From the NCH Healthcare System, Physicians Regional Healthcare System, and Collier County Emergency Medical Services

With the seasonal increase in patient load, we as the emergency departments can work hand in hand with our local physicians

As we prepare for the seasonal influx of patients, the Emergency Departments of Collier County want to work in collaboration with our community physician offices to prevent overcrowding in the Emergency Departments. The following will be helpful as we prepare to meet the needs of the community.

1. If your office is unable to see the patient today, assess if their complaint requires the services of an Emergency Department versus an urgent care. If outpatient testing can achieve definitive care, this is highly recommended.
2. If an Emergency Department visit is recommended call the Emergency Department attending or coordinator to alert them of the patient's arrival. The staff will be able to apprise you of the situation and the potential wait.
3. Inform the patient that the Emergency Departments triage patients by their level of acuity or seriousness of their illness/injury. Do not set the patient up for false expectations that they will get "right in" as this is determined by their acuity and current overall situation of the ED, even if they arrive at an Emergency Department by a Collier County EMS ambulance.
4. If possible, and the intent is to admit the patient, do so by making the patient a direct admit.
 - a. NCH Bedboard (both NCH Downtown and NCH North Naples) 239-624-3435
 - b. Physicians Regional Collier Blvd 239-354-6260
 - c. Physicians Regional Pine Ridge 239-304-4790
5. What should be considered a true Emergency according to the American College of Emergency Physicians:
 - a. Is the Patient's condition Life or Limb Threatening?
 - b. Could the Patient's Condition worsen and become Life or Limb Threatening.
 - c. Could moving the Patient cause further Injury?
 - d. Does the Patient need the skills or equipment of the Paramedics
6. Examples of Non-Emergency Situations
 - a. Flu-Like Symptoms
 - b. Chronic (ongoing) aches and pains
 - c. Minor cuts
 - d. Broken fingers or toes
 - e. Emotional upsets

By the Numbers

Data from 2/6/2015 through 8/6/2015

Includes NCH DT, NCH NN, PRHS Collier, PRHS PR

Total ambulance transports over 6 months: 13,818

Average ambulance transports per day: 76.34

Average time to offload*

February: 23:05

March: 21:41

April: 0:17:59 [delete the 0:]

Longest time to offload*

February: 2:52:58

March: 1:55:44

April: 2:15:51

**when offload time is recorded; not a required item*

Make the right call, if it's potentially life-threatening or you're in doubt, don't guess..... Call 911.

Please consider the above information before making a decision on how you will coordinate the transportation of your patient to a local emergency department or urgent care facility In Collier County. Thank you for your assistance.



Upcoming symposiums



Miami Neuro Symposium (Fourth Annual) and Miami Neuro Nursing Symposium (Third Annual)

Thursday-Saturday, December 3-5
The Biltmore Hotel, Coral Gables (22 Cat. 1)

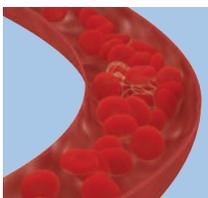
MiamiNeuro.BaptistHealth.net



Coronary CTA: Hands-on Workshop (Seventh Annual)

Saturday-Sunday, November 14-15
Fontainebleau Hotel, Miami Beach
(16.75 CME/CE)

CTAMiami.BaptistHealth.net



Venous Thromboembolism Symposium (Second Annual)

Saturday, December 12
Baptist Hospital, Auditorium
(3.5 CME/CE)

MiamiVTE.BaptistHealth.net



Sanford H. Cole, M.D. Memorial Ob/Gyn Symposium (30th Annual)

Friday, January 31, 2016
Miami Marriott Dadeland Hotel,
Miami (6 CME/CE)

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CCMS CME Lecture on Identity Theft – July 9th
FMA Annual Meeting – July 31-August 2nd
CCMS Young Physicians Social – August 6th



CCMS Delegation at FMA House of Delegates



Dr. Jerry Williamson



Dr. Craig Eichler



Dr. Paul Makhlof and Dr. Jason Hamilton



Dr. D. Gene McCree and Dr. Scott Ross



Drs. Robert Rinaldi, Steven Meckstroth, Daniel Wasserman and Nelson Maldonado



Dr. Donald DiPasco and wife Anita

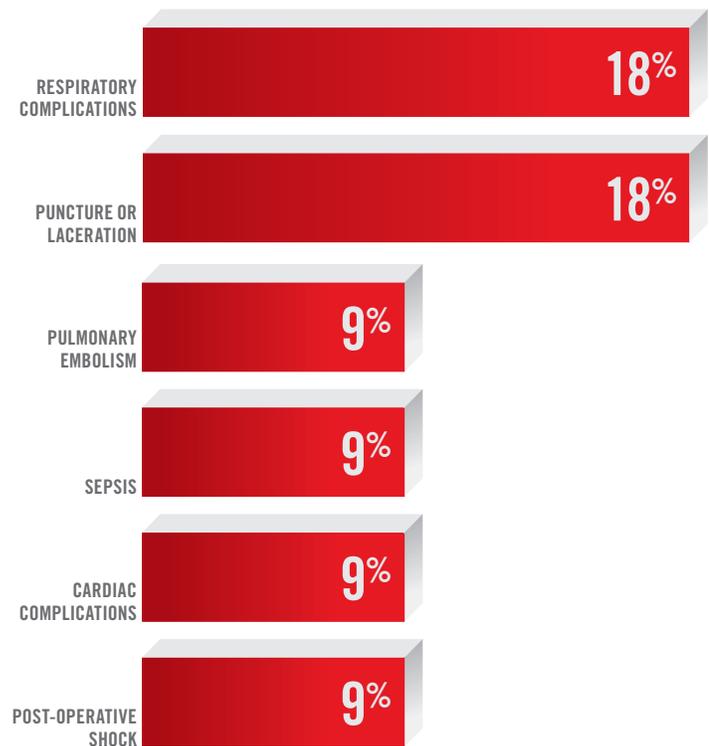


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CAUSES OF DEATH CITED IN LIPOSUCTION-RELATED MALPRACTICE CLAIMS
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