

# Bulletin



VOLUME 13, NO. 10

Fort Myers, Florida

February, 1992

John D. Donaldson, M.D., Editor

## FEBRUARY MEMBERSHIP MEETING IS JOINT MEETING WITH SPOUSE/FRIEND



At the February meeting our guest speaker will be Representative Porter Goss. Your spouse or friend is invited to attend at a cost of \$18.60. Checks payable to the Lee County Medical Society. Representative Porter Goss will be present at this meeting to discuss the health care issues on the Washington scene. Please make plans to attend. ■

## MEDICAL SOCIETY MEETING

Royal Palm  
Yacht Club

Cocktails 6:30  
Dinner 7:00 PM

FEBRUARY 17, 1992

**SPEAKER:**  
Representative  
Porter Goss

**TOPIC:**  
"Health Issues/  
Washington Scene."

**DINNER BY  
RESERVATIONS ONLY**

### PLEASE

L.C.M.S. Members: All reservations must be made by Friday noon before the Meeting on Monday. Cancellations should be no later than noon on Monday. The Society must pay for all reservations made.

## 1992 DUES

A reminder to pay your 1992 dues. All members will be considered delinquent by February 15, 1992. If you are having a problem with paying the whole amount at one time, please call and talk to Ann. Do not be dropped for non payment of dues, let us work with you. ■

## PRESIDENT'S MESSAGE



VALARIE C. MOORE, M.D.

As physicians we are in a vice grip of legislation affecting us in every aspect of our professional lives. Now Governor Chiles has started off the Florida legislative session with a proposal of a \$500 fee for physicians. That proposal deserved two and a half lines in the News-Press. No mention was made of the thinking behind this which is the bizarre notion that physicians are responsible for the health care crisis. While politicians are well aware that we are not the cause, they also know that we are not well loved by the public and that we are an easy target for revenue. We will be lucky to focus any attention of the public in our direction for support while they are outraged at the \$.75 more a month they will have to pay for cable television. In order to explain the absurdity of the \$500 fee, I usually use the analogy of taxing Publix to feed the homeless, but unfortunately some people think that is a good idea too.

I asked a physician recently if he was coming to the Lee County Medical Society meeting that night. He said, "Why should I come to listen to them complain and moan?" He said if two doctors got together all they could do was moan about their fate. Moaning aside, what are you doing about the issues that affect you. Ah, but you say, "What can be done, nothing will help!"

On the national level, physicians made a difference in changing the RBRVS. Ten billion dollars was put back in the budget as a direct result of a physician campaign led by the AMA. How did we get into this position in the first place? Physicians always have seemed to react rather than act. Admittedly, reacting is better than doing nothing.

The Florida legislature will be meeting for a period of sixty days, January 13th to March 17th. Your legislators need to hear from you, and when they do, it does make a difference. There certainly are those of

(continued on page 2)

## SHARING THE SPIRIT OF THE HOLIDAY SEASON

Toys, Diapers, 14 cases of formula, games, food, hand lotions, soap, and personal items were collected and distributed to the Immokalee Neighborhood Services, Children's Home and Dr. Ella Piper Center, Inc.

Over \$1,285.00 was donated by our members and guests. This was divided between the Immokalee Neighborhood Services and the Dr. Ella Piper Center, Inc.

Each organization was very appreciative of our gifts. Thank you all for helping to make this season a little better for someone else.



Auxiliaries Brenda Krill and Debi Campbell collect gifts at the Holiday Party at the Veranda Restaurant.

## FMA STATEMENT ON HIV-INFECTED PHYSICIANS

Following recent guidelines established by the AMA, the Florida Medical Association Board of Governors has determined that Florida physicians who are HIV-positive have an ethical obligation not to engage in any professional activity which has an identifiable risk of transmission of the infection to the patient.

Although some patients are known to have been treated by HIV-infected physicians, there have been no documented cases of transmission of the virus from physicians to patients; however, a recent incident involving a possible dentist-to-patient transmission has caused some public concern.

The FMA Board declared that in cases of uncertainty about the risks to patient health, Florida physicians, as a matter of medical ethics, should err on the side of protecting patients.

"The health of patients must always be the paramount concern of Florida physicians," said Guy T. Selander, M.D., FMA Immediate Past-President.

Our board believes that until the uncertainty about transmission is resolved, that HIV-infected physicians should either abstain from performing invasive procedures which pose an identifiable risk of transmission or disclose their sero-positive status prior to performing a procedure and proceed only if there is informed consent," Dr. Selander explained.

He noted that some invasive procedures, such as a bronchoscopy, pose no identifiable risk of transmission; however, the same cannot be said of other surgical procedures, according to current analysis by the Centers for Disease Control.

"The FMA encourages all health care workers to be voluntarily tested and to act accordingly if the results indicate seropositivity," Dr. Selander said. "We believe the best approach to this issue is to educate the health care community of Florida on the importance of voluntarily testing."

The FMA Board rejected mandatory testing or screening of health care workers, indicating that any such program should be all-inclusive and apply to patients as well.

Those physicians who are HIV-positive should have the right to continue their medical careers in a capacity that poses no identifiable risk to their patients, the FMA Board stated.

"The FMA pledges its support and protection of these physicians and believes the profession and the public have a need and an obligation to ensure that they continue to be productive as long as they practice medicine safely and responsibly," Dr. Selander said.



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The Lee County Medical Society Bulletin is published monthly with the June and August editions omitted.

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The Editor welcomes contributions from the members. Opinions expressed in the Bulletin are those of the individual authors and do not necessarily reflect policies of the Society.

## PRESIDENT'S MESSAGE

(Continued from page 1)

us who are in frequent contact with legislators. The Lee County Medical Society has an active legislative committee led by Alex Lozano that will be acting in your behalf. The FMA has been working constantly on the issues that concern us. However, the vast majority of us do not take that extra step to call or write on issues we care about. I can guarantee that there is an issue before the legislature in which you have a personal investment and interest. Pick up your dictating machine or pick up the phone for five minutes. You can get a lot for your five minutes of commitment. There are those who would say they have done this before and it made no difference. It would make a difference if all of our colleagues acted. If a friend is complaining to you, ask them to call or write the legislature. The issues include Health Access Florida, Joint Ventures, Mandatory Medicare Assignment, the Clean Air Act, and wrongful death being included in medical malpractice. If you want more information on the issues, call me or call Ann. I know we can make a difference! ■

HCFA Extends Grace  
Period on Use of New  
Visit Codes

We have been advised by the AMA that HCFA Administrator Gail Wilensky has granted physicians a 30 day extension (until February 29) of the current grace period for use of the new visit codes. The AMA had requested a 60 day extension until April 1. Under the extension physicians will be encouraged to use the new visit codes immediately; but carriers will continue to accept the old codes until February 29.

If you have any questions regarding this extension, please call the Medical Economics Department FMA Headquarters. ■

## CREDENTIALLING THE YELLOW PAGES

The deadline is fast approaching when Lee County physicians must decide how much of their annual expenses they allocate to the publishers of the "Yellow Pages". Those who have chosen to participate can attest to the burden this is becoming as the phone company, that protected utility, escalates the rates from year to year. Alas, they are not alone to blame; we as a profession have been caught up in a competition to market ourselves to the public on the assumption that advertising produces higher volume justifying higher overhead, which can be passed on to the consumer, your patients.

Many of us remember when advertising by physicians was forbidden and yellow pages listings were restricted to name address, specialty and telephone number. In most civilized countries these rules of conduct remain today, enforced by self-regulating professional bodies. In those days, one could actually use the yellow pages as an organized area in which to retrieve a telephone number, and this non-patient care expense was minimal relative to more essential overhead. We smiled as the attorneys, chiropractors and other base elements of society spent a fortune luring in "customers" with expensive campaigns beneath our dignity.

The seventies and eighties ended this smugness. Individual physicians sued our professional regulating bodies for the right to advertise, and government regulators supported this concept. Advertising became commonplace, and nowhere was it promoted more than in the Yellow Pages. Unfortunately, as in many of the other areas subject to deregulation, the promised safeguard for the public with respect to the accuracy of content failed to materialize or were watered down in response to threatened or filed lawsuits. Those agencies selling copy have never felt any compulsion to ensure the ads contain even a modicum of truth. Subsequently, the public are forced to determine the merit of the copy by trial and often error.

A perfect example was found last year in our daily newspaper, the Fort Myers News-Press. An advertisement placed in a "research foundation" in Sarasota claimed that hearing loss could be cured with a surgical laser if placed in the hands of a named outstanding otolaryngologist, who just happened to be the husband of a different surname of the "executive director" who signed the ad. Much of the content was blatantly false and could not have been placed without prior knowledge that it was so. After complaints by a number of patients, I wrote in protest to the foundation, with copies to the world including DPR, the IRS, the Medical Society, the FCC, the FTC, the Academy of Otolaryngology ethics committee and the Fort Myers News-Press. I received two replies: one of support from our local society, the other from the foundation withdrawing the advertising and apologizing. It was sad to see elderly patients who had traveled a distance and spent a lot of money hoping for a cure only to discover they were preyed upon by a member of our profession.

It now occurs to me that we are taking the wrong approach to this whole issue and that as a group we have an obligation to take a stand for both ourselves and the public. Advertising in medicine is here to stay, but why are we permitting the salesmen (salespersons, salespeople, saleshumans, advertising account executives) to set our standards and escalate the ante?

Lets get into the business as the ultimate broker. Instead of condemning advertising, we need to approve ads and certify to the public that the content of an advertisement is consistent with credentials that the physician has presented to our committee. Under this program, an advertiser need not be a member of our society, but would require credentialing in order to display the society's logo and verbal approval on the copy. A fee would be charged by the society for the use of this "seal of approval", and the profit devoted to informing the consumer of the Medical Society's involvement in this area.

Physicians would appoint the Lee County Medical Society as their agent for one year at a time, and all ads for that individual would be of an approved type, the "year" arbitrarily ending when the Fort Myers Yellow Pages are published. The Society should establish a few general rules on factual content, such as having the advertiser differentiate between subspecialty training and areas of interest. The physician would be encouraged to disclose the programs in which he or she participates, particularly medicare or medicaid. Coupons for "free examinations" (expiring Dec. 31 when deductibles become unpaid), or for that matter "free" anything billed to a program would not receive approval.

If we were to limit the "approved" copy to one quarter of a page in the yellow pages, significant savings would be gained by those who participate in the Medical Society program. Newspaper copy should be restricted at one eighth of any page. I am hard pressed to think of anyone except possibly Mother Theresa talented enough to require more room to list their accomplishments and talent.

The beauty of such a program is that the Society becomes a clearinghouse in which the public can place their trust, and it doesn't violate any laws except those related solely to greed. (Sort of like a local developer's claim of having a civil right to make money off the taxpayer on land speculation). The society was effective in thwarting an attempt by the News-Press to publish an approved "directory" last year, and now we need to move on the Yellow Pages.

John D. Donaldson, M.D.

## MEDICAL LEGAL CODE UPDATE

"We need your ideas & comments."

In the last two or three years the legislature has changed many statutes which directly effect our Medical-Legal Code. A tentative decision has been made to put off revising the Code until the 1992 session adjourns.

Any physician having ideas or comments about the Code should put them in writing and send to the Medical Chairman: with a copy to the Legal Chairman:

Wallace M. Graves, Jr., M.D.  
70 Danley Drive  
Fort Myers, FL 33907

T. Rankin Terry, Jr.  
2115 Main Street  
Fort Myers, FL 33901

## DISNEY DISCOUNT CARD

The Disney World and Disneyland Discount Card is now available through the Walt Disney Magic Kingdom Club, offered by the Lee County Medical Society. If you would like to receive the discount card, you may do so by contacting our office, 936-1645. ■

THE  
QUESTION  
MANOPINIONS - EDITORIALS  
LETTERS TO THE EDITOR

John W. Snead, M.D.

SHOULD HOSPITALS CONSIDER  
PHYSICIANS' ECONOMIC CON-  
TRIBUTIONS WHEN RENEWING  
PRIVILEGES?

"Absolutely not. This represents a blatant abuse of credentialing process. Privileges should be renewed based on quality factors, not the hospital's bottom line."

Lawrence R. Antonucci, M.D.,  
Obstetrics & Gynecology



Elias Luis D. Dia, M.D.,  
Family Physician

"Unemphatically 'No'. My concerns are that this type of practice can destroy the essence of the free enterprise system of medicine and produce in fighting between hospitals and physicians."

William Whitman, M.D.,  
Psychiatry

"The Hospital is responsible for assuring that its physicians provide competent medical care with appropriate medical training and continuing medical education irrespective of their economic contributions to the hospital in order to assure quality of care."

James C. Wolper, M.D.,  
Gastroenterology

## NEXT MONTH'S QUESTION

"Is it unethical for a doctor to refer a patient to a facility in which he/she has a financial interest without disclosure to the patient?"

Send your comments to the Medical Society.

Bulletin deadline is the 15th of each month . . . we want to see you in the print media! ■

## COMING EVENTS

PAINT YOUR HEART OUT LEE  
COUNTY

March 14, 1992  
March 21, 1992 - Rain Day  
We will be painting a house this year and are looking for volunteers. Lots of fun and fellowship. Be sure and mail your sign up form. ■

## VIDEO HEALTH FAIR

March 25, 1992  
To be held at Cypress Lake High School auditorium. Be sure and mail your sign up form. ■

## WHAT'S NEW?

### Current News & Happenings At Area Hospitals

#### CAPE CORAL HOSPITAL

Welcomes Kathleen O'Leary as its new Director of Physical Medicine and Rehabilitation. Kathleen was formerly Director of Rehabilitation for Cape Coral nursing Pavilion, and before that Director of Rehabilitation for the 130-bed Falmouth Hospital in Massachusetts and Director of Rehabilitation at Barnstable County Hospital in Pocasset, Massachusetts. ■

Cape Coral Hospital is once again the sponsor of the March of Dimes Mothers' March against birth defects. The March of Dimes hopes to recruit 2600 volunteers to raise funds and educate Lee County residents on the importance of good prenatal care. ■

CME's: Dr. Paul Joslyn will speak on Estrogen Replacement, February 13, noon, Cape Coral Hospital Physicians' Lounge (tentative, pending approval) Attorney Jeff Myers will speak on the Safe Harbors Laws, February 26, noon, Cape Coral Hospital Physicians' Lounge. ■

#### GULF COAST HOSPITAL

Gulf Coast Hospital announces the introduction of "The Professionals," a new physician and service referral program, on February 1, 1992.

"The Professionals" is a healthcare marketing system which offers health information and referral services, ranging from general physician referrals to on-line triage. Registered nurses staff "The Professionals" and are available Monday through Friday, 7:30 a.m. to 4:00 p.m. at a toll-free 800 phone number.

Gulf Coast Hospital, in conjunction with the Basic American Medical, Inc. (BAMI) network of hospitals, including Englewood, Fawcett, and Southwest Florida Regional Medical Center, will be offering "The Professionals."

Contact: Ann Wilson, Public Relations, 768-8414. ■

#### LEE MEMORIAL HOSPITAL

##### LMH Blood Center to Launch New Bloodmobile

Thanks to the Lee Memorial Hospital Auxiliary and dozens of private donations, the new replacement for Lee Memorial's Bloodmobile is expected to arrive in February. Replacing the 20-year plus veteran bloodmobile, the first Blood Drive with the new vehicle is scheduled for March 6 at Lee Memorial's HealthPark Medical Center location.

The New Bloodmobile holds six beds, has two private screening areas, a separate entrance and exit and many more modern conveniences to help make blood collection easier and more efficient. ■

##### LMH Rehabilitation Center Gets 3-Year CARF

Lee Memorial's Rehabilitation Center received a three-year certificate of accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) recently. The voluntary accreditation ensures both patients and physicians that Lee Memorial adheres to the highest standards for Rehab facilities.

"The accreditation is significant to our referring physicians, as well," explains Mary Kalina, Director of the Rehab Center. "They can refer patients who need rehabilitation with confidence that Lee Memorial provides a full realm of quality care for their patients."

The Rehabilitation Center also received a Certificate of Need for an additional 20 beds at the Cleveland Avenue location last year. Construction will begin when plans are finalized. ■

#### SOUTHWEST FLORIDA REGIONAL MEDICAL CENTER

##### CPT-4 Coding Tapes Available

Tapes explaining the new CPT-4 coding for billing are available from The Center for a fee of \$10. If your office would like one of these informative tapes, contact Physician Development at 939-8478. ■

##### EP Studies

A full complement of electrophysiology studies (EP, AICD, ablation and cardiac mapping) is now available at Southwest Florida Regional Medical Center. The new equipment, a Gould/BI recorder and an EP2 Medtronic stimulator, are housed in a dedicated lab within the Cardiac Catheterization Laboratory. ■

##### Signal Averaging

The center is now the only facility in Southwest Florida to offer signal averaging ECG testing. Signal averaging is a new non-invasive computerized method of analyzing standard ECGs that identifies patients at risk for ventricular tachycardia. This high-resolution ECG technique averages multiple QRS complexes. It minimizes the level of noise that contaminates the ECG signal and exposes signals at the microvolt level normally hidden with noise.

It has been shown that ECGs from ischemic regions of the heart were the areas that were fractionated and delayed beyond the QRS complex into the ST segment. A relationship exists between this delayed activation and ventricular arrhythmias, and also this delayed activation represents the substrate for re-entry ventricular tachycardia. ■

#### Keep Us Informed!

CUT—IT—OUT... and mail it back when you have any changes.

Physician/Group Name \_\_\_\_\_

Please advise us what the change is: Address, phone number, satellite offices, New Partner(s)/Staff, etc...

Changes to make \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Board of Medicine Rules:

### Disciplinary Action Against Privileges for Failure to Complete Medical Records.

Pursuant to Sections 458.337(1) (a) 2, F.S. and 459.016(1) (b), F.S., facilities must report disciplinary actions taken for any act which would constitute a violation for Chapters 458 or 459, F.S. Both chapters have provisions providing that it is a violation to fail to keep medical records justifying the course of treatment of a patient, including but not limited to patient histories, examination results, test results, records of drugs prescribed, dispensed or administered, and reports of consultations and hospitalizations.

Therefore, disciplinary actions based upon medical records deficiencies should be reported under 458.337(1) (a) 2, F.S., or 459.016(1) (b), F.S., if the deficiency in the record is so significant that the records fail to justify the course of treatment of the patient.

In addition, if the signing of medical records is required by the policies, procedures, or directives of the risk management program or any quality assurance committee of the facility and a final disciplinary action is taken, the same should be reported under the provisions of subsections 395.0115(3) and (4), F.S. (Laws of Florida 88-1).

All of the above adds up to "Do Your Records". If not you may have to experience a trip to DPR. ■

#### Complaints received by DPR: Physicians

Year	Total received	Jurisdictional & legally sufficient complaints for investigation
1986-87	1982	1175
1987-88	2783	1318
1988-89	2835	1475
1989-90	3724	2064
1990-91	4022	1801

#### Probable cause actions: Physicians

Year	Actions	No probable cause	Further investigation	Letter of guidance	Administrative complaint
1986-87	855	461	38	158 (8%)	198 (10%)
1987-88	1026	622	17	233 (8%)	164 (6%)
1988-89	890	469	0	174 (6%)	247 (9%)
1989-90	1566	611	438	213 (6%)	304 (8%)
1990-91	1514	683	312	246 (7%)	397 (10%)

#### Disciplinary actions: Physicians

Year	Probable cause with admin. complaint*	License revocation	License surrender	License suspension	Fine	Probation	Reprimand	Other**
1986-87	198	17	14	40	41	31	21	15
1987-88	164	25	10	28	23	43	16	13
1988-89	247	17	13	26	14	42	3	23
1989-90	304	18	11	22	9	26	18	10
1990-91	397	14	16	32	70	57	13	15

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**BIOHAZARDOUS WASTE**

The following segment appeared in the January 1992 issue of *Medical Waste Monitor* and is provided for your information:

**Q.** Exactly what paperwork must be kept on file by a health care facility or physician office to pass an HRS biohazardous waste inspection and how long should it be retained?

**A.** HRS requires "All biohazardous waste management records, including any documentation provided by the transporter, shall be maintained for a period of three years and made available for inspection by the department (HRS) upon request."

These records include:

1. A written waste plan outlining biohazardous waste management in your facility from generation to disposal, including training;
2. The manufacturer's written proof that red bags comply with HRS requirements;
3. Sterilization logs, testing results, etc. if on-site waste decontamination is performed;
4. Certificates of disposal or receipts from the treatment facility;
5. Current copy of a contract with an off-site transporter, if applicable; and
6. If on-site incineration is utilized, it must comply with the State of Florida, Department of Environmental Regulation (DER) requirements, and ash generated must be disposed of in accordance with DER rules. ■

### NEXT PICTORIAL DIRECTORY IN PROCESS WE NEED YOUR PICTURE

PBS Studio will be at the February 17 General Membership meeting to take your picture for the next LCMS Directory. Please stop and have your picture made before coming upstairs for the meeting. You will be financially responsible for your picture to PBS Studio.

If you want to make an appointment at the Studio, 3817 Kelly Street call Linda at 936-8600. We need a wallet size (2 1/4" x 2 1/4") photo in black and white. ■

**CLASSIFIED ADS**

Classified Ads are only for Physician Members of the Society's use.

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### MEDICAL SOCIETY MEETING

Royal Palm  
Yacht Club

Cocktails 6:30 PM  
Dinner 7:00 PM

FEBRUARY 17, 1992

**SPEAKER:**  
Representative  
Porter Goss

**TOPIC:**  
Health Issues/  
Washington Scene

**DINNER BY  
RESERVATIONS ONLY  
PLEASE!!!**

**LEE COUNTY MEDICAL SOCIETY**  
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