

March 2008

Volume 31, Issue 10

## LEE COUNTY MEDICAL SOCIETY



# Bulletin

Editor: Mary C. Blue, M.D.

### 2008 LCMS General Membership Meetings

#### March General Meeting

Wednesday, March 19, 2007  
6:30 PM

#### Topic: "Proposed New Hospital/Physician Relations"

#### Special Speakers:

Jim Nathan, LMHS CEO  
Ronald Castellanos, MedPAC

Hilton Garden Inn  
12600 University Drive  
Fort Myers, FL 33907

#### Limited Seating

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Lee County Medical Society  
239-936-1645

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3805 Fowler Street, Ste 2  
Fort Myers, FL 33901

### Insert

- March Meeting Notice
- Diabetes Camp Recommendation Application
- 21st Century Golf Tournament
- Medi-bags Flyer
- Medical Records

### President's Message

## The Zen of Hiking

Dean Traiger, M.D.



Stress is the most common cause of ill health in our society, probably underlying as many as 70% of all visits to family doctors. It is also the one problem that every doctor shares with every patient. Dr.

Matthew Budd of Harvard University, has said, "If you want to help your patients deal with their stress, you're going to have to learn to handle your own."

To master stress, you must change. You have to figure out what you are doing that is contributing to your problem and change it. These changes fall into four categories: change your behavior, change your thinking, change your lifestyle choices and/or change the situations you are in.

In my own experience I've tried all 4 approaches. One of the more successful solutions I've found is that I've embraced hiking. Fortunately, there are many appealing locations to hike in Florida and many are even in Southwest Florida. We are blessed with many parks and nature preserves that are unique and can not be found anywhere else in the nation. A reason I go into the backcountry is to experience nature. A chance to degauss all the effects of the rat race. The smell, the sounds, the clean air, and the beautiful scenery...all diametrically opposite my high tech synthesized city life at home and at work. Although I'll concede I do keep a bit of high-tech with me in my camera and GPS receiver.

Hiking can be goal oriented, (we physicians are very good at goal oriented) such as to reach a peak or a hidden lake or you can hike without a purpose. Sometimes hiking is really about walking somewhere. That's it. Just walking somewhere. My hikes are never about how fast I can get there but enjoying the way there (I've never been the fastest hiker and never will). The point is, it doesn't matter where you got to or didn't get to. I've had some of my best hiking experiences on simple, well maintained trails where I didn't have to think about anything and could just hike.

Sometimes when I get in the 'zone' of hiking, that becomes a different kind of Zen, in which you are tuned to your body and your focus, the two talk with each other and determine the outcome.

The next time you feel the stress intruding in your life, take a time-out to get away from the things that are bothering you. This will not resolve the problem, but it gives you a break and a chance for your stress levels to decrease. Then, you can return to deal with issues feeling more rested and in a better frame of mind.

Remember that it is February and this is the best time of year to get outside and take advantage of the weather and the lack of humidity and insects. Golfing, hiking or whatever you find you enjoy. Get outside and do it! Engage your passion!

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#### **Lee County Medical Society Mission Statement & Disclosure Policy**

*The purpose of the LCMS is to unite the medical profession of Lee County, FL, into one compact organization; extend medical knowledge and advance medical science; elevate the standards of medical education; strive for the enactment, preservation and enforcement of just medical and public health laws; promote friendly relations among doctors of medicine and guard and foster their legitimate interests; enlighten and alert the public, and merit its respect and confidence.*

All LCMS Board of Governors and Committee meeting minutes are available for all members to review.

## Membership Activity

#### **New Location**

Michael Novotney, M.D.  
Abraham Sadighi, M.D.  
Gulf Coast Cardiothoracic & Vascular Surgeons  
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Fort Myers, FL 33907  
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Bonita Springs, FL 34134  
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Washington Baquero, M.D.  
1410 S Grove Avenue  
Fort Myers, FL 33907  
Phone: 275-4141

#### **Moved Out of Area**

Leonard Benitez, M.D.

#### **Physicians in the News**

**Dirk Peterson, M.D.** Congratulations to Dr. Peterson, an obstetrics/gynecology physician in Lee County. Dr. Peterson has been included in the 2007 edition of "Guide to America's Top Physicians." The publication is produced by the Consumers Research Council of America and the selection process is based on a point value system that awards points for education, years in practice and affiliations with professional organizations.

## New Member Applicants

**Ankush Gulati, M.D.**—Dr. Gulati attended Gandhi Medical College, Bhopal, India where he obtained his MD in 1995. He completed his internship at Long Island College Hospital in Long Island, NY (1995-2000) and he completed a residency in nephrology at Temple University, Philadelphia, PA (2000-02). Dr. Gulati is a nephrologist in Solo Practice at Lee Kidney Center at 228 Plaza Drive, Ste C, Lehigh Acres, FL 33936.



**Dean D. Lin, M.D.**—Dr. Lin attended the Medical College of Virginia, Richmond, VA where he obtained his MD in 2000. He completed his internship/residency at the University of Florida in Gainesville, FL (2000-07). Dr. Lin is a neurosurgeon at Lee Neurosurgery at 2780 Cleveland Avenue, Ste 819, Fort Myers, FL 33901.



**Jose Pacheco, M.D.**—Dr. Pacheco attended the Marilia School of Medicine in Sao Paulo, Brazil where he obtained his MD in 1974. He completed his residency at Michigan State University Flint, MI (1997-2000). Dr. Pacheco is a radiologist with Radiology Regional Center at 3660 Broadway, Fort Myers, FL 33901.



**Margaret Thirston M.D.**—Dr. Thirston attended Chicago Medical School, N. Chicago, IL where she obtained her MD in 2002. She completed a residency at Rush Presbyterian - St. Luke's Hospital, Chicago, IL (2002-03) and her residency/fellowship at Cook County Hospital, Chicago, IL (2003-08). Dr. Thirston is in practice with Medical Anesthesia and Pain Management Consultants at 4048 Evans Avenue, Ste 303, Fort Myers, FL 33901.



#### **Correction from last month's Bulletin:**

We apologize to Dr. John Dunn. We misspelled his name in the February issue of the Bulletin. Dr. Dunn is an Anesthesiologist with Medical Anesthesia and Pain Management Consultants at 4048 Evans Avenue Ste 303, Fort Myers, FL 33901.





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## As I Recall...

Roger D. Scott, M.D.

## Amazing Graces

In 1958 William Henry Grace, M.D. was considered one of the old doctors as he had arrived in Fort Myers in 1924 from Chipley, Florida (that's in the Panhandle of Florida, almost Alabama). Little did I know of the amazing family history of "Uncle Willie" until recently, and this is now shared with you through the courtesy of his grandsons, Bill, Doug, and Walter.

Dr. Grace's grandfather (Henry William Grace) came from North Carolina to Florida soon after statehood in 1845 to settle in Jackson County where he became a major civic figure, and as the settlement grew it became known as Graceville and remains so today. Henry William's son, George Marshall Grace (William Henry's father), studied medicine for a year and then returned home to marry and do limited practice. After a year of practice he went to Emory University and earned his medical degree. Dr. George Marshall Grace again returned to Graceville to practice medicine, but also (as many other physicians did in small communities to supplement income) operated a farm in addition to raising eight children! He opened the first cotton gin (a machine for separating the cotton fibers from the seed pod) in that area, and while operating this equipment his right arm became mangled. Ultimately his right arm was amputated without anesthesia, but he survived.

Obviously a one armed physician was very limited in his practice and therefore George recruited his 14-year-old son (William Henry) to assist him (It is almost impossible to drive a horse carriage, handle medicines, bandages, and perform surgery with only one hand.). Eventually George was able to function reasonably well, but he always had a beard as he could not shave with a straight razor left handed. Later young William Henry (Bill) was allowed to return to high school and graduate. Working with his father had given Bill the desire to become a physician so he attended Tulane University. He became an exceptional student and was graduated one year early to be a ship's doctor in 1905 during an epidemic of yellow fever, and after two round trips to Central America, he returned home to practice with his father. Shortly thereafter he moved to rapidly growing Chipley, Florida (about 12 miles away) where he was very busy with his practice, and it was there that Vonceil, Walter, and Angus (their only children) were born.

In 1913 Dr. George M. (Bill's father) was returning home from a house call late one night when he fell asleep in his buggy and while crossing the tracks was killed by a train. Bill took on the responsibilities of his father's practice as well as his own, but his asthma worsened and he decided to move south.

How he was able to get to Ft. Myers, a thriving town during the boom of 1924, is unknown. It would be a tremendous trip to try to drive from Chipley to Ft. Myers in the 1924 cars and on the rudimentary roads, many of which still existed during my childhood. He did investigate various towns in which to locate so I suspect that he came by train rather than ship which many people did in those days. He finally wound up in Fort Myers and rented an office in the Earnhardt Building (south side of First Street opposite Bradford Hotel) and then moved his family to Ft. Myers for the Christmas of 1924. His office relocated to 1925 McGregor about 1950. (The Building remained the same but

number changed to 2259 in 1954 and also the phone number changed from 82 to Edison 5-0511 in 1954.) In 1924 he was appointed the first city physician and chairman of the Board of Health. In 1936 he was president of the 12-member Lee County Medical Society. His grandchildren report that Uncle Willie faithfully practiced medicine and was on call always and never took a vacation but was also a devoted church member & Rotarian. Dr. Grace's young son Walter often chauffeured him on house calls and stated that in one 24-hour period the doctor delivered a baby in Hendry, Charlotte, & Lee Counties!

Walter went through the first year of medical school but felt the emotional strain of medicine was too much so he became a dentist and practiced for many years here. His lovely wife, Marian had a long standing hearing impairment that had not responded to various treatments but was eventually markedly improved by a young Robin C. Brown, M.D. (Selden's "Brown Nose"). Their sons are Walter Jr. (attorney) and John.

Vonceil finally found the right husband in Nat Briscoe (daughter Vonceil), and Angus graduated from Tulane Med School in 1941 (3<sup>rd</sup> generation Grace Physician).

Both brothers enlisted in the military in World War II after finishing school but before beginning private practice. After the war Angus returned to practice in Fort Myers but after one year went back to Tulane for internal medical training. He then returned here and opened an office at 507 (later renumbered to 2259) E. Riverside Drive about 1947-8 for the practice of Internal Medicine. Original phone number of 423 changed in 1954 to Edison 5-6411.

My first meeting with Angus (a short stocky ex-high school football player) was in July 1958, when he welcomed me ("with his gravelly voice") to town and very faithfully referred surgery to me for many years. His wife, Eleanor was one real "feast for sore eyes" (an old saying for beauty). I didn't know till later that she had been *Miss Florida* in 1936. Eleanor and Angus produced Doug (attorney), Bill (attorney, inherited Angus's voice), and Jane who kept up the Grace medical tradition by marrying G. Allen Ball, M.D. Doug knows that his grandfather delivered him & thinks Dr. W.H. delivered the rest of his grandchildren who incidentally did not go into medicine.

A drunken dissatisfied patient once called Angus and said he was going to kill him, and Angus replied "Make an appointment" and then just hung up. Angus loved golf and wanted to win even by nudging balls in & juggling scores. He was also a fervent gambler especially on football games. Charles E. Peres, Jr., M.D. joined Angus in about 1956 to form the Grace Peres Clinic.

Dr. William Henry Grace lived long & died in March of 1961. Angus unfortunately had a heart attack with long standing pain that he thought was an aneurysm. He was operated upon for coronary bypass in Miami in 1973. They also found an aneurysm (probably thoracic) that ruptured during the procedure and could not be repaired satisfactorily and so he died a few days later at 58 years of age. Angus was always good to me, and I was sorry that his life was so short.

Don't you think these were truly **Amazing Graces**? Hope the Williams, Henrys, and Marshall didn't confuse you.





## Risk Management Guidelines: Preparing For Your Defense

First Professionals Insurance Company

At some point in time every practitioner will encounter a patient outcome that may become the subject of a malpractice claim. Early preparation is the key. There are loss prevention measures shown to deter lawsuits before they are pursued and preserve defenses necessary to defeat the unavoidable claim. They include:

### Seek risk management or legal advice whenever you encounter:

- Errors
- Untoward results
- Complications
- Patient dissatisfaction or complaint regarding outcome.
- Any situation when uncertain how to proceed.

### In response to a request for medical records:

- Obtain appropriate written authorization for release.
- Comply with specificity to the written request or subpoena.
- Provide a copy within 10 business days.
- Retain original records and x-rays—a Court Order is necessary to release originals
- Do not alter anything.

### In preparation for a potential claim:

- Document the incident fully.
- Describe the complication and efforts of avoidance.
- Document the medical management afforded the complication.
- Increase communication with the patient and/or family member.
- Keep the patient's records separate from other charts.
- Create a separate personal file labeled: "Attorney's File - Privileged and Confidential."

Never contact the patient's attorney directly. All communication should be conducted through your medical professional liability insurer and/or your personal counsel.

### In response to a Summons and Complaint:

- Notify First Professionals immediately.
- Participate in the assignment of defense counsel.
- Remain available to conference with your defense team.
- Ask your defense team to copy all correspondence to you.
- Designate a contact person

### Become your own best expert:

- Conduct medical research.
- Evaluate medical literature
- Obtain current seminar material.
- Alert your defense teams to any factual discrepancies.

### Educate your defense team:

- Share your expertise.
- Do not hide things.
- Confront the downside.
- Participate in your defense.
- Assist in the selection of experts.
- Never contact an expert directly - your attorney will direct communication

### Deposition Guidelines:

- Think before you speak.
- Never guess. If you don't know - say so.
- Set the pace—do not rush to completion.
- Do not characterize your testimony.
- Do not volunteer anything
- Tell the Truth!
- Don't let an attorney put words in your mouth.
- Avoid adjectives and superlatives.
- "Asked and Answered" - don't expand.
- Listen to your attorney's objections. You may learn something about the question and how it should be handled.
- Never lower yourself—don't argue.
- Remember that the plaintiff attorney is the opposition.

### Trial preparation:

- Ask your attorney to seek a continuance should you be physically or emotionally compromised.
- Visit the courtroom prior to your trial.
- Dress rehearse for contingencies.

### Trial:

- Your attendance is mandatory.
- Be on time.
- Maintain a conservative appearance and demeanor.
- Do not arrive in luxury vehicles.
- Know the facts.
- Do not bring electronic devices into court.
- Participate in your defense.
- Pay attention to every detail.
- Convey authority.
- Take notes.
- Alert counsel to mistakes.
- Evaluate performance.

*Information in this article does not establish a standard of care, nor is it a substitute for legal advice. The information and suggestions contained here are generalized and may not apply to all practice situations. First Professionals recommends you obtain legal advice from a qualified attorney for more specific application to your practice. This information should be used as a reference guide only.*

*First Professionals Insurance Company is Florida's Physicians Insurance Company and the endorsed carrier for professional liability insurance.*



## Telemedicine Rule Now In Effect

Taken from the Department of Health Website—<http://www.doh.state.fl.us/mqa/medical/index.html>

64B8-9.014 Standards for Telemedicine Prescribing Practice.

(1) Prescribing medications based solely on an electronic medical questionnaire constitutes the failure to practice medicine with that level of care, skill, and treatment which is recognized by reasonably prudent physicians as being acceptable under similar conditions and circumstances, as well as prescribing legend drugs other than in the course of a physician's professional practice.

(2) Physicians and physician assistants shall not provide treatment recommendations, including issuing a prescription, via electronic or other means, unless the following elements have been met:

(a) A documented patient evaluation, including history and physical examination to establish the diagnosis for which any legend drug is prescribed.

(b) Discussion between the physician or the physician assistant and the patient regarding treatment options and the risks and benefits of treatment.

(c) Maintenance of contemporaneous medical records meeting the requirements of Rule 64B8-9.003, F.A.C.

(3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means those situations in which the prescribing physician or physician assistant determines that the immediate administration of the medication is necessary for the proper treatment of the patient, and that it is not reasonably possible for the prescribing physician or physician assistant to comply with the provision of this rule prior to providing such prescription.

(4) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including the use of any prescribed medications, nor on-call or cross-coverage situations in which the physician has access to patient records.

(5) For purposes of this rule, the term "telemedicine" shall include, but is not limited to, prescribing legend drugs to patients through the following modes of communication:

(a) Internet;

(b) Telephone; and

(c) Facsimile.

*Specific Authority 458.309, 458.331(1)(v) FS. Law Implemented 458.331(1)(q), (t), (v) FS. History—New 9-14-03.*

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*The Florida Legislature Convenes Tuesday, March 4, 2008 and ends Friday, May 2, 2008*

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*Tallahassee addresses may change, please visit the official Internet site of the Florida Legislature at [www.leg.state.fl.us](http://www.leg.state.fl.us).*

## How to Write Your Legislator

1. Know your legislators' district(s) and the correct spelling of their names. Refer to district maps and directories.
2. Use the following format for addresses:

### GOVERNOR:

The Honorable John Doe Governor  
The Capitol  
Tallahassee, FL 32399

### SENATORS:

The Honorable John Doe  
The Florida State Senate  
The Capitol, Suite - - -  
Tallahassee, FL 32399

### Lt. GOVERNOR:

The Honorable John Doe Lt. Governor  
The Capitol  
Tallahassee, FL 32399

### REPRESENTATIVES:

The Honorable John Doe  
Florida House of Representatives  
The Capitol, Suite - - -  
Tallahassee, FL 32399

3. Write on personal stationary, LCMS letterhead, or on plain paper. A personal letter is best! Your return address should be on the letter, not just the envelope. This will enable your legislator to reply.
4. Do not use postcards or form letters except when advised to do so by the FMA Legislative Affairs Office or the LCMS Legislative Committee.
5. A good rule to follow is one subject per letter. Try to keep your letter to one page no matter how important the issue. This gives your letter more impact and makes a reply easier. It also takes up less of the staff's and legislator's time.
6. Make clear the position of the issue you are on, and ask the legislator to support your position.
7. Refer to exact bill numbers if available and short or popular titles.
8. Don't threaten or write in a belligerent tone.
9. Don't remind them of broken promises.
10. Don't write so often that your letters lose their impact.
11. Illustrate your position with a local example.
12. Sign your name legibly and type your name under your signature.
13. Time your letters to arrive far enough in advance to be effective.



## Report of the FMA Board of Governors Meeting

Steven R. West, M.D., President-Elect  
Florida Medical Association



The FMA Councils and the FMA Board of Governors met the weekend of February 15-17, 2008 at The Buena Vista Palace Hotel and Spa at the Walt Disney World Resort in Orlando, FL. Below are some of the highlights of the meeting.

### Improve Access to Care for the Uninsured

Paul E. Metts, Deputy Secretary of the Florida Department of Health, presented the Governor's plan to improve access to the Uninsured. The Deputy Secretary is the former CEO of Shand's Hospital at the University of Florida. The DOH and Governor Christ's plan require legislative enactment.

The plan entitled "A Collaborative Model to Improve Access to care for the Uninsured" hopes to improve access to care, improve health care delivery and control cost. The Governor is asking the legislature for \$63.9 million dollars over three years to fund the project. The initial pilot project will not involve LEE County but will involve several counties that have teaching hospitals and those with the highest number of uninsured. Rural counties with a high number of uninsured will be included as well; one rural county without a hospital has been included.

The plan calls for teams to go into neighborhoods performing health care assessments of individuals in households. Family health status will be assessed and health care needs will be identified. Essentially a door-to-door search will be performed. Those who are found to have active health care problems will be appropriately triaged based on the health care assessment or medical screening to the appropriate and available health care setting (County Health Department, federally qualified health care center, Hospital emergency room, primary care physician office or specialist office those who require pharmaceuticals the necessary drugs for therapy will be provided). Disease management teams and case management teams will be there to be certain that there is adequate follow up. There is a provision for and emphasis on providing dental care with mobile dental clinics and improving access to dental care. There will also be provided mobile mental health clinics.

Eligibility for Medicaid, Medicare or private health insurance will be determined and the assessed will be enrolled in the insurance that is appropriate for them. The goal is to provide the uninsured timely access to appropriate medical care. The concept is by actively going out to the uninsured and underserved healthy lifestyles can be promoted, early diagnosis and treatment of disease can be achieved, appropriate treatment can be provided at the least costly site avoiding costly ER visits and admissions to the

hospital. This will optimize resource consumption, save money and improve outcomes. The plan calls for measurement of health care outcomes. Now we will have to see if the Legislature will enact this plan.

### Medicaid Reimbursements

The Governor has also put in his budget a modest increase for Medicaid reimbursement for physicians. Currently his proposal is for those specialists who are in short supply in the Medicaid program. It is not as much as is needed but in this tough economy and with our two billion dollar deficit in state revenues it is an important start. **An overwhelming majority in the Florida legislature and the Governor agree that Medicaid rates for physicians' fees must be brought up to at least Medicare rates. This remains a top legislative priority of the FMA and is only a matter of time before it is achieved.**

### FMA Political Action Board Meeting

At the FMA Political Action Committee Board Meeting we heard from the Democrat House Minority Leader Representative Franklin Sands and Health Care Committee Member Ari Porth. They both are from Broward County and both are members of the Health Care Committee. They are committed to make Florida a more physician friendly state.

Both told stories of friends who have decided not to practice in Florida because of poor reimbursement, malpractice etc., etc. They expressed their commitment and support of the FMA managed care bill, funding Medicaid to Medicare and stopping the expansion of non-physician scope of practice. This represents a dramatic change in support for the FMA and the Doctors of Florida by the Democrat Leadership in the House. **The FMA Pac (FLAMPAC) leadership, Lee County's own James Rubenstein and the staff of the PAC, deserve a lot of credit for their patience and hard work with the legislature on both sides of the aisle.**

### Strategic Planning

The Board of Governors met for several hours on Saturday working on the Strategic Plan for the FMA. It is the goal and commitment of the Board to make the FMA better at helping doctors take care of patients. The FMA Board and staff are working to develop better tools to communicate with and find out what the doctors of Florida need to help them practice medicine.

I can tell you these are exciting times at the FMA. The FMA is changing and in the future will be more effective at helping its members take care of patients.



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## LCMS McCourt Memorial Scholarship Fund

The McCourt Memorial Scholarship Fund was set up by the Medical Society to remember Dr. Jerome McCourt and his family who perished in an airplane crash. The Fund sponsors children to the Florida Camp for Children and Youth with Diabetes. We are requesting that you submit the name of a child residing in Lee County who would benefit from such an experience. We are looking for candidates who are interested in attending camp for the first time. This is such a positive experience for building these lives that we would like to reach all children with diabetes. **The scholarships are for new applicants or for children who have attended prior camps.**

Please fill out the form enclosed in this Bulletin and return it to the Medical Society office no later than April 18, 2008. **This will be the written recommendation from the physician** and we will then contact the parents to make the arrangements.

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## Governor Crist Appoints Holly Benson to Oversee Agency For Health Care Administration

Governor Charlie Crist appointed Holly Benson to serve as Secretary of the Agency for Health Care Administration. Ms. Benson most recently served as the Secretary of the Department of Business and Professional Regulation. Previously, she served as a member of the Florida House of Representatives from 2000 to 2006. As a legislator, she chaired the Health and Families Council beginning in 2004. Prior to her joining the Crist team, she was a municipal bond attorney with Miller, Canfield, Paddock and Stone PLC. Ms. Benson graduated from Dartmouth College and the University of Florida.

Ms. Benson replaces Dr. Andrew Agwunobi who is stepping down to pursue an opportunity in the private sector and focus on his family. The Agency for Health Care Administration works to improve access to affordable, quality health care to all Floridians through the management of Florida's \$16 billion Medicaid program. It also licenses and regulates health care facilities and health maintenance organizations, and publishes health care data and statistics.

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## March 30th is Doctor's Day

March 30th is Doctor's Day. It is a time to show appreciation for all the miracles physicians perform every day.

Doctors' Day observances date back to March 30, 1933. It was started by Eudora Brown Almond of Winder, Ga. The day marks the anniversary of the first use of general anesthesia in surgery. The first National Doctor's Day was celebrated in 1991.

On March 30, 1958, the United States House of Representatives adopted a resolution commemorating Doctors' Day. In 1990, the House and the Senate approved legislation establishing National Doctors Day. The resolution designating March 30 as National Doctors' Day was signed by President George H.W. Bush.

Happy  
Doctors Day



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## Lee County Medical Society General Membership Meeting

Wednesday, March 19, 2008  
6:30 p.m.

### Proposed New Hospital/Physician Relations



**Ronald Castellanos, MD**  
MedPAC Member



**Jim Nathan, CEO**  
Lee Memorial Health System

Limited Seating

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**Fort Myers, FL 33907**

RSVP - 936-1645

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## Odds and Ends

### Practicing Thoracic Surgeon to Join CMS

The Centers for Medicare and Medical Services (CMS) has announced that Jeffrey Rich, M.D., will be joining CMS on February 18 as the Director for its Center for Medicare Management. Dr. Rich is currently a practicing cardiothoracic surgeon in Norfolk and Virginia Beach, Virginia, as well as a Director-at-Large for the Society of Thoracic Surgeons. He serves on the National Quality Forum Board of Directors and has been an active participant in the Hospital Quality Alliance and Ambulatory Quality Alliance. The Center for Medicare Management serves as the focal point for all CMS interactions with physicians, health care providers, and carriers for the FFS program, develops FFS payment and benefit policies, and monitors conformance with quality standards.

### Updated Sentinel Event Statistics

As of September 30, 2007, the Joint Commission's sentinel event statistics have been updated and are available on the Joint Commission website, [www.jointcommission.org](http://www.jointcommission.org). Since the sentinel event database was implemented in January 1995, the Joint Commission has received 4,693 reports of sentinel events. A total of 4,820 patients were affected by these events, with 3,394 or 70 percent, resulting in patient death. The 10 most frequently reported sentinel events are:

Wrong-site surgery	615
Suicide	574
Operative/post-operative complication	557
Medication error	438
Delay in treatment	354
Patient fall	271

### Patient Safety Rule Published

On February 12, 2008, the Agency for Healthcare Research and Quality (AHRQ) released its long-awaited proposed rule to implement the Patient Safety and Quality Improvement Act of 2005. Since the passage of the legislation, the AMA has been aggressively urging HHS to issue the rule. In a letter to Secretary Leavitt just last week the AMA underscored the need for the Department to publish the proposed rule. The proposed rule establishes a process under which health care providers can report medical errors voluntarily without fear of legal prosecution. Under the proposal, patient safety organizations (PSOs) would be established to collect and analyze medical data confidentially. Breaches of confidentiality would be subject to civil monetary penalties of up to \$20,000 per act.

Comments on the proposed rule are due April 14. The AMA will review and will work with the Federation to formulate its comments.

### Gary Freis Foundation

Dear Colleagues,

Growing up in Fort Myers, I had the distinct opportunity to wrestle at Fort Myers High School under the tutelage of Coach Gary Freis who coached at the high school for over 20 years. He had a huge impact on the lives of many and served as a mentor both in athletics and in their future endeavors. Many of his athletes went on to successfully compete at the intercollegiate level despite not even wrestling prior to high school. His pupils went on to become doctors, lawyers, dentists, coaches, teachers, and even ministers. Unfortunately, coach passed away on Christmas Day of last year.

To continue his legacy, I have helped to establish a charitable foundation in his name. The first mission of the foundation will be to maintain the Gary Freis Invitational, which is an annual wrestling tournament in his honor. Additionally, the foundation is working toward building a dedicated wrestling training facility at Fort Myers High School. The high school has offered the land to build it and the only thing that we need is the money to make it happen.

You can feel free to contact me directly at [Paul.Tritel@gmail.com](mailto:Paul.Tritel@gmail.com) or by my cell at 239-218-5662. We have created a google group, which you can feel free to join at <http://groups.google.com/group/freis-foundation>. You can make donations directly by mailing a check to "Fort Myers High School Athletic Boosters Attn: Gary Freis Foundation", Fort Myers High School, 2635 Cortez Blvd, Fort Myers, FL 33901.

*Thanks, Paul Tritel, M.D.*

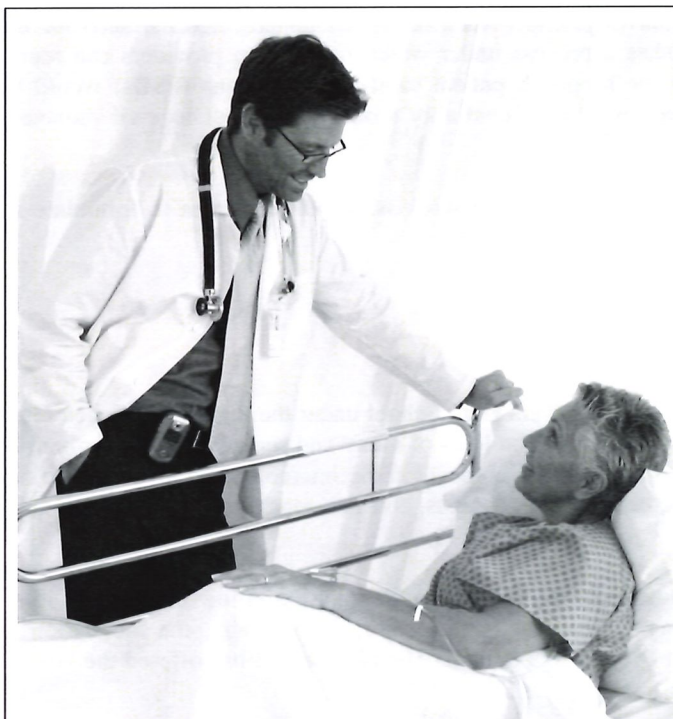


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