



PhysicianAdvocate

The Harris County Medical Society serves as an advocate for physicians in Harris County. *Physician Advocate* is produced quarterly to provide recent highlights of HCMS advocacy on behalf of member physicians and their patients.

TMA Joined Class-Action Lawsuits Against CIGNA and Aetna

— On Feb. 10, TMA announced that it joined class-action federal lawsuits, filed along with the American Medical Association and other state medical societies against CIGNA and Aetna. The lawsuits contend that the two health insurance companies rely on a flawed system to underpay physicians for out-of-network services and forced patients to pay an excessive portion of the costs. The antiracketeering suits seek to stop the health plans from using Ingenix to set “reasonable, usual, and customary” charges for out-of-network services and to require them to repay physicians for underpayments.

Editorial Meeting at Chronicle — HCMS President **Dr. Lewis E. Foxhall**, TMA President **Dr. Josie Williams**, HCMS Executive Vice President Greg Bernica, and TMA staff met with the *Houston Chronicle* editorial board on Feb. 18 to discuss TMA’s legislative agenda and how it will affect patients.

Benefits from Liability Reform — Two reports continue to document the positive effects of the 2003 medical liability reforms TMA and HCMS successfully advocated for and kept in place.

• For the first time since 2002, Texas is not among the nation’s worst civil court jurisdictions, according to the American Tort Reform Foundation’s seventh annual *Judicial Hellholes® report*. The report calls our medical liability reforms a “point of light” best practice for states trying to maintain fair and predictable legal climates. “This is further proof that Texas is no longer the ‘world’s courtroom,’ and that curtailing lawsuit abuse improves access to health care, the state’s business climate, and economic competitiveness,” said George S. Christian, president of the Texas Civil Justice League.

• The American Medical Association’s 2009 *Physician Characteristics and Distribution in the U.S.* shows Texas has moved up one notch to No. 42 in the state rankings of physicians per capita. At 236 physicians per 100,000 population though, we still have a long way to go to catch up to the national average of 307 and to the six other most-populous states.

TMA Winter Conference — In addition to meetings of all TMA councils and committees, the winter leadership conference featured reports from elected officials on their prognosis for the 2009 session and in-depth review of the benefits and barriers to e-prescribing.

Medical County Leaders Meet — HCMS President **Dr. Lewis Foxhall**, Former HAM President **Dr. Bill Gilmer** and HCMS Executive Vice President Greg Bernica met with presidents, presidents elect and staff from medical counties throughout the state. The medical county leaders expressed concerns about member participation, member retention, communication with members, and hospital-physician relationships as well as shared strategies on addressing these issues. TMA leaders reported information from recent member surveys, outlined plans for 2009 and discussed collaborations between the counties and TMA.

Hispanic AMA of Houston — **Dr. Lewis Foxhall** presented a CME session on “Understanding the Function of HCMS,” on Nov. 15 at the Hispanic AMA of Houston (HAMAH) Second Annual conference. **Dr. Daniel Corredor** was installed at the conference as the new HAMAH president.

Metro Execs Meet — The executive directors of the four largest Texas county medical societies met with TMA Executive Vice President Lou Goodman on Dec. 17. The group shared information on activities around the state and discussed preparations for the 2009 legislative session.

Health Plan Collaboratives — The Board on Socioeconomics established two subcommittees under the Managed Care Committee (now known as Health Plan Liaison Committee) to develop collaborative projects that have been identified in our meetings with the major health plans. The two subcommittees will be: Physician Administrative Relief and Medical Home.

Meet with Hospital CEOs on Legislative Agenda — TMA Executive Vice President Lou Goodman, 2008 HCMS President **Dr. Tom Garcia** and Executive Vice President of HCMS Greg Bernica met with local CEO of HCA Hospitals Maura Walsh on Nov. 20 to discuss the 2009 legislative agenda and collaboration between hospitals and doctors during the session. Lou Goodman and Greg Bernica held similar meetings with CEO of Memorial Hermann Systems Dan Wolterman and CEO of Harris County Hospital District David Lopez. Also, TMA Board members met with Texas Hospital Association Board members on Nov. 21.

Kickoff of the 81st Legislative Session — On Jan. 13, Doug Abel, HCMS director of public af-

fairs, spent the day welcoming local legislators back to Austin along with staff of other large county societies. He met with the newly elected members of the Harris County delegation and many new staff members.

First Tuesdays at the Capitol — Nearly 200 physicians and alliance members lobbied their legislators at 2009’s first *First Tuesday at the Capitol* on Feb. 3. TMA President **Dr. Josie Williams** and TMA Executive Vice President Lou Goodman met with Lt. Gov. David Dewhurst, Senate Health and Human Services Committee Chair Jane Nelson and Senate State Affairs Committee Chair Robert Duncan to discuss TMA’s legislative agenda. The physicians briefed Harris County elected officials on critical issues such as insurance and tort reform, scope of practice, medical education and the corporate practice of medicine.

HCMS thanks the following for participating at *First Tuesdays* on Feb. 3: **Dr. George M. Davis, Dr. Alan E. Bentz, Dr. Tom Garcia, Dr. Dennis G. Brown, Dr. Keith A. Bourgeois, Dr. David K. Coats, Dr. Richard D. Robinson, Dr. Angela S. Fisher, Dr. Mounang Praful Desai, Dr. Eva Prakash, Dr. Travis G. Bias, Dr. Diana L. Fite, Dr. Lewis E. Foxhall, Dr. Isaac Grate Jr., Dr. Carlos R. Hamilton Jr., Dr. Harris M. Hauser, Dr. Robert E. Jackson, Dr. Kimberly E. Monday, Dr. Victor A. Simms, Dr. George D. Santos, Barbara Hauser, Edward Hauser, and Linda S. Adkins.**

Physician Saves Chief of Staff — Former HCMS President **Dr. Tom Garcia** saved Chief of Staff John Higgins when Higgins collapsed right next to him during *First Tuesday* on Feb. 3. Dr. Garcia administered to him, called for an ambulance, got DPS/Texas Rangers to clear the way and got him stabilized and to the hospital. Dr. Garcia reminded the legislators that he was able to treat him because of the 2003 tort reforms.

Meet with UT on GME — HCMS leaders met with **Dr. Larry Kaiser**, president of The University of Texas Health Science Center at Houston, and several other top UT physicians, including **Dr. Max Buja**, to discuss how HCMS could assist with increasing funding for medical students and residents. The funding issue is on TMA’s legislative agenda. HCMS representatives were: **Drs. Tom Garcia, Lewis Foxhall, Russell Kridel, Kimberly Monday, Keith Bourgeois, and Brad Patt.**

HCMS Payor Survey Presented — Dr.

Kimberly Monday presented the *HCMS Payor Survey* results and aftermath projects to the local Medical Group Management Association and local CPA society.

Lecture Series for Medical Students — HCMS

has developed a nine-part lecture series on *The Business and Practice of Medicine* for medical students. The idea, conceived by third-year medical student **Spencer Pruitt**, and developed by The University of Texas medical students and **Dr. Arlo Weltge** offers Blue Book Credit to the students. **Drs. Shkelzen Hoxhaj** and **Angela Fisher** worked to ensure that the Baylor students receive credit for these lectures. The goal of the series is to provide medical students with a glimpse of the business and practice of medicine beyond the clinical aspects of a medical practice.

Presentation to UT and Baylor Medical

Students — On Jan. 12, Doug Abel, HCMS director of public affairs, gave the first in a series of lectures to medical students on several aspects of the business of medicine. Mr. Abel's talk was on "Politics and Medicine." He gave another talk on Feb. 19 to the UT Pediatric Residency Advocacy Workshop.

TMB Changes Letter — The Texas Medical

Board (TMB) notified HCMS that the initial notification letter to physicians has been updated, effective as early as Dec. 1, 2008. The changes incorporated many of the suggested changes submitted by HCMS Board of Ethics in June of 2006, to make the letter sound less harsh.

Branch Meetings — The HCMS Southwest and

Western Branches hosted a successful combined meeting on Oct. 23 at the Houston Racquet Club. The presentation "*Physician-Owned Medical Facilities: What every physician should know before investing!*" was presented before 115 physicians for one hour of ethics CME credit. The Southwest Branch held *Five financial ratios that will tell you if your practice is healthy* for one hour of ethics CME on Feb. 26 at the Braeburn Country Club and the Southeast Branch held *Effective management of challenging patient encounters* on Feb. 25 for one hour of ethics CME at the Bay Oaks County Club.

TMA Meets with Group Practices — TMA's

legislative staff hosted a meeting of group practices in Houston on Oct. 10 to discuss the 2009 legislative agenda. The group agreed with TMA's plan and priorities: Protecting tort reform, the corporate practice of medicine laws, physicians' rights to own health care facilities, and current scope of practice laws.

Iranian American Medical Association Gala —

Dr. Tom Garcia represented HCMS at the Iranian American Medical Association Gala. After presenting the requested brief remarks, Dr. Garcia answered numerous questions about the 2009 legislative session.

Reimbursement Consults — HCMS hosted private 30-minute consultations with TMA reimbursement experts for physicians and their staff members on Oct. 14 in North Houston and Oct. 15-16 at the HCMS offices. Twenty-five member practices received assistance with getting their insurance payments faster.

Council of Young Physicians — Speed was the

name of the game at the last HCMS Council of Young Physicians meeting. More than 40 young physicians gathered to participate in *Speed Networking*. Following the networking, Dianne Love, PhD, of the University of Houston-Clear Lake, presented *Five financial ratios that will tell you if your practice is healthy*, for one hour of ethics CME credit.

Meeting with Congressman — On Oct. 15, the

HCMS Board of Medical Legislation met with Congressman John Culberson to discuss a number of federal issues, which include Medicare, increasing access for mental and behavioral health, ERISA modifications, and the future of health care.

TMA Pushes for Health Plan Transparency —

In testimony before the Texas Senate State Affairs Committee, **TMA Immediate Past President Dr. Bill Hinchey**, said health plans' own actions and business tactics are forcing patients to incur greater out-of-pocket costs. Dr. Hinchey urged the committee to hold the plans more accountable for the accuracy of the information they report about their physician networks and to require more transparency in how they calculate "usual and customary charges" for out-of-network services. Health insurance reform — especially business practices that are easier to understand for physicians, patients, and employers — is the centerpiece of TMA's 2009 agenda for the Texas Legislature.

Medserv's Employment Division Ranked 12th

Largest — *Houston Business Journal* ranked Medserv's Employment Services Division as the 12th largest permanent placement firm in Houston in its Oct. 31-Nov. 6 issue. Medserv is a subsidiary of HCMS. It assists with hiring administrative and clinical staff and provides background checks at special member rates.

Media Report — Texas Medical Center News

published article, *Physicians Blog about Hurricane Ike* on TMA's physician blog in the Oct. 1 issue. HCMS scheduled interview with HCMS Alliance Holiday Event Chairperson Mary Ann Russell to speak with KHQB TV, Channel 39, on HCMS Alliance Touch, Smell & Hear Holiday Event on Dec. 1 at the John P. McGovern Museum of Health & Medical Science. HCMS distributed news advisories and releases to all the local media on the HCMS Alliance Holiday event, which allows the opportunity for approximately 400 children with mental and physical challenges to experience the joys of the holidays through their senses. On Nov. 20, HCMS provided information to the

Houston Business Journal on concierge medicine. On Nov. 17, scheduled **Dr. Ken Mattox** to be interviewed with television media to give an update on how UTMB's layoffs and elimination of its Level 1 Trauma Center will affect Houston, the uninsured and the Houston-area medical community. On Nov. 17, HCMS scheduled interview for **Dr. Tom Garcia** to speak with KUHF 88.7 FM (NPR) about corporate practice of medicine. **Dr. Lewis Foxhall** was interviewed by Christi Myers of KTRK TV about President Obama's health plan on Feb. 11. HCMS provided information and **Dr. Tom Garcia** was interviewed about Medicare by *Houston Chronicle* in Feb. 18 issue, "Kelsey-Seybold group opts out of Medicare." HCMS scheduled interview with Fox TV and **Dr. Tom Garcia** on Dec. 17 on retail clinics. *Texas Medical Center News* published photo and story about the HCMS Alliance Touch, Smell & Hear Holiday Event in its Dec. 15 paper. On Jan. 27, HCMS RPO Chairman **Dr. Shelly Liss** was quoted by MSNBC in a story, "Calling all retired Houston health care professionals," which called on retired health care professionals to volunteer at free clinics. In January, HCMS distributed to all local media news releases on Installation of Officers and Leadership Recognition. In January, HCMS distributed news releases on **Dr. Richard O'Reilly** receiving the HCMS/HAM John P. McGovern Compleat Physician Award. *Examiner Newspaper Group/Houston Community Newspapers* did stories on both the Installation and McGovern Award. HCMS provided information to KHOU TV CBS on out-of-network issue in February for a story. In February, Greg Bernica gave a quote about **Dr. Ken Mattox** who was featured in *Medical Houston Journal*.

CIGNA Meeting — On Jan. 23, HCMS President

Dr. Foxhall and HCMS staff met with CIGNA representatives: Mike Koehler, president and regional manager of South Texas, and **Jim Nadler, MD**, medical director to discuss projects to reduce administrative burdens and staff support to accomplish this.

Media/Speaker Training — On Feb. 9, HCMS

hosted a speaker/media training for the HCMS Executive Board for 2 hours of CME credit with TMA Media Manager Brent Annear. **Drs. Lewis Foxhall, Russell Kridel, Mohammad Khoshnevis-Asl, Kelli Cohen, and Mina Sinacori** participated.

HCMS Member Appreciation Day — HCMS

physicians brought their families to enjoy The John P. McGovern Museum of Health & Medical Science (The Health Museum) and go to an Ethics CME program during the HCMS Member Day on Saturday, Feb. 21. At The Health Museum the families could enjoy the special traveling exhibit: *Zap! Surgery: Beyond the Cutting Edge*. The one hour Ethics CME program was on "Complexities in beginning and ending the physician-patient relationship: When to call it quits." TMLT sponsored the event.