



# Physician Advocate

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 members and their patients.

**Tax Reform**—After lengthy negotiations with Gov. Rick Perry, the Texas Medical Association (TMA), with the assistance of county medical societies, was able to succeed in receiving critical deductions to the business tax for physicians. Physicians will receive deductions for 100 percent of Medicare, Children's Health Insurance Program (CHIP), Workers' Compensation, and TriCare receipts and 100 percent of the cost of providing uncompensated care (including charity care). No other group received significant deductions in this bill. Brief presentations were made to each of the Branches over the past two months.

**Tax Calculator**—HCMS and TMA created downloadable tax calculators so that physicians could calculate the effect of the business tax on their practices. Both the calculators are available by visiting, [www.hcms.org](http://www.hcms.org). Specialists with typical Medicaid and Medicare patient loads will see tax savings of \$1,000 or more, not counting the reduced property taxes on their homes and businesses.

**Documenting and Quantifying Charity Care**—TMA and HCMS are collaborating with Gateway to Care to devise language to define the "cost basis" for claiming uncompensated and charity care deductions under the HB 3 margins tax. Gateway to Care presented information at the HCMS Council of Young Physicians, Council of International and Affiliated Medical Societies, HCMS Southeast Branch, and HCMS East Branch. Gateway to Care has developed some thoughtful discussion points, which have been shared with TMA. Comments and suggestions will be shared with the Texas Comptroller's office, which is charged with determining the language to implement the bill.

**TX Ranked 1st in Tort Reform**—The Pacific Research Institute conducted a report on Texas liability reforms. It stated that Texas has done more than any other state to curb frivolous lawsuits. The Texas Department of Insurance says Texas physicians' insurance premiums have dropped on average of 13.5 percent since the tort reforms passed. This has allowed sick and injured Texans increased access to physicians, especially in areas hit hardest by lawsuit abuse.

**Medicare Cuts Reversed**—Thanks to AMA, TMA and county medical societies and their members, Congress reversed the 4.4 percent cut in physicians' Medicare reimbursement rates and froze fees at the 2005 level. TMA, AMA and national specialty societies are advocating to overturn the current Sustainable Growth Rate (SGR), which is the source of potential rate cuts for the next few years.

**HCMS Doctors Elected to TMA**—The TMA House of Delegates, the TMA's policy-making body, re-

lected **Dr. William H. Fleming III** to Speaker of the House and elected **Dr. A. Tomas Garcia III** to the TMA Board of Trustees and **Dr. Priscilla Ray** as an Alternate Delegate to the American Medical Association at TexMed in May.

**Medical Board Resolution**—At TexMed, TMA House of Delegates passed the HCMS resolution, recommending TMA study and monitor the Texas Medical Board's disciplinary actions and document the application of overly harsh sanctions for minor infractions, calling for the TMA to suggest more appropriate disciplinary actions.

**Other Resolutions Passed**—At TexMed 2006 in Houston, TMA adopted many resolutions sponsored by HCMS. Adopted HCMS resolutions included:

- ✓TMA to collaborate with other state and national medical associations to assure the flu vaccine distribution is in compliance with the Centers for Disease Control and Prevention's guidelines and that physicians who care for high-risk populations receive priority in early shipments;
- ✓TMA to draft suitable legislation defining the practice of needle EMG as the practice of medicine;
- ✓Referred for study a resolution calling for action by the AMA to require hospitals to use Disproportionate Share and other indigent funding sources to reimburse physicians who serve on-call in emergency departments, providing care for non-resource patients;
- ✓TMA to gather evidence of the administrative burden placed on physicians and patients by the operating policies of Pharmacy Benefit Managers and for TMA to explore legislative and regulatory solutions; and
- ✓TMA's General Counsel commended for its work in assisting physicians involved in non-meritorious lawsuits, recommending that TMA continue when doing so established clearer legal standards.

**D-Tag Tattoo Removal Program**—HCMS received a Certificate of Appreciation from the City of Houston Volunteer Initiative Program and Volunteer Houston for the D-Tag Tattoo Removal Program, chaired by **Dr. Michael V. Kelly II**. The 2005 physician volunteers were: **Drs. Edward Berzin, James F. Boyton, Paul DesRuisseaux, Paul F. Fortes, John J. LoMonaco, Tri H. Nguyen, William B. Riley Jr., Mark A. Schusterman, and D. Robert Wiemer.**

**Uninsured**—HCMS staff met with representatives from the Wye River Group, an independent research group, to discuss local solutions to care for the uninsured populations.

**Honoring Medical Journalists**—HCMS President **Dr. Diana L. Fite** and HAM President **Dr. Lewis**

**E. Foxhall** presented awards to local journalists for outstanding medical and health reporting at the HCMS/HAM Francis C. Moore, MD, Medical Journalism Awards Luncheon on May 19. **Dr. Herminia Palacio**, the executive director of the Harris County Public Health & Environmental Services spoke at the luncheon on the importance of childhood immunizations and on a new program, Houston/Harris County Childhood Immunization Initiative, which is a collaborative effort among many local organizations to increase children's immunization rates.

**Business of Medicine Presentations**—HCMS staff presented the Business of Medicine III, Quality Measurements at HCMS North Branch (**President Dr. M. Elizabeth Sands**) on May 9, HCMS Central City Branch (**President Dr. Paul W. Gidley**) on April 27, HCMS Western Branch (**President Dr. Madhureeta Achari**) on Feb. 16, and HCMS Southwestern Branch (**President Dr. Benjamin Edery**) on May 18 for one hour of ethics CME credit. Business of Medicine II was presented to HCMS East Branch (**President Dr. Bufford Moore**) on March 14 for one hour of ethics credit. It also was presented at Texas Woman's University—Healthcare Administration Masters Program on April 19, Baylor Patient Finance Services on Feb. 15, Memorial Hermann Katy Hospital for medical staff and office administrators on April 25, and Baylor College of Medicine students on May 8.

**Council of Young Physicians**—More than 35 young physicians attended the Council of Young Physicians meeting, chaired by **Dr. John Hyun**, on April 20. The meeting featured, *Risk Management Update & Current Trends in Malpractice Allegations*, which provided one hour of ethics CME and networking opportunities.

**DEA Numbers**—As a result of HCMS staff working with the Texas Department of Insurance on the inappropriate use of DEA numbers, the TDI Commissioner on March 17 released a bulletin to health plans informing them that requiring DEA numbers as identification for reimbursement of a claim is inappropriate.

**Harris County Health Care Alliance**—The Harris County Commissioners Court approved the formation of the Harris County Health Care Alliance. The Alliance will be a non-profit organization, funded by Harris County, city of Houston, and private health care organizations. The Harris County Public Healthcare System Council, chaired by **Dr. Lewis E. Foxhall**, recommended the formation of the Alliance. The Alliance's mission will be to coordinate health care services within Harris County, particularly for the uninsured and underinsured. The Alliance will attempt to raise funds from all Harris

County public and private health care organizations to cover the costs of its activities.

**Health Access Texas**—On April 6, Health Access Texas honored **Dr. Kenneth L. Mattox** with its Medical Statesman Award and **Dr. Lewis E. Foxhall** with its Public Health Award.

**Doctors Volunteer**—On June 3, **Drs. Paul S. Herman, Rafael Verduzco, Robert C. Vanzant, and Carlos R. Hamilton** volunteered to provide free physicals to 180 Boy Scouts of the Urban Scouting Division of Boy Scouts of America so they could attend Boy Scout Camp. The Urban Scouting Division was established to encourage at-risk boys to become involved in scouting. For the past 14 years, HCMS has provided free physicals to Urban Scouts, many of whom could not afford it otherwise.

**HAM-TMC Library**—The Library was awarded its fourth consecutive five-year contract to serve as the Regional Library of Medicine for Texas, Louisiana, Arkansas, Oklahoma, and New Mexico.

**PCCM Transition**—HCMS staff has been participating on a Medicaid transition workgroup, consisting of representation from physicians, hospitals, home health agencies, Medicaid HMOs, and Health & Human Services, to discuss the transition from PCCM to Medicaid HMOs.

**Summit for Health Care Reform**—TMA convened 37 leaders of Texas medicine, other health care professions, business, insurance, state government, and other arenas on March 28 to discuss health care reform. **Dr. Lewis E. Foxhall** represented HCMS at the meeting. The group searched for ways to: 1) Reduce “medical homelessness” and inappropriate use of emergency rooms, and reduce the number of uninsured; 2) Increase Texans’ incentives to maintain healthy lifestyles; and increase physicians’ and health care providers incentives to focus on prevention; 3) Use technology to make health care services more effective and efficient; and 4) Bring the emotionally-charged issue of expensive end-of-life care into the public discourse.

**Patient Safety**—TMA President Dr. Robert T. Gunby Jr. presented, *TMA’s Patient Safety Campaign and Efforts: How to Get Involved*, at a joint meeting of the HCMS Council of Hospital Chiefs of Staff, chaired by **Dr. James B. Bennett**, and HCMS Council of Specialty Societies, chaired by **Dr. James O. Wallace**, on April 5.

**DOQ-IT**—TMF Health Quality Institute presented DOQ-IT to the HCMS Branch Societies, HCMS Council of Hospital Chiefs of Staff and HCMS Council of Specialty Societies in the Spring.

**CIGNA Meeting**—**Drs. Lewis E. Foxhall, JoAnne Rogers, Bernard Gerber**, and HCMS staff met with CIGNA President David Toomey and other CIGNA representatives. The physicians detailed specific issues between physicians and the insurance company. HCMS sent a follow-up letter focusing on the three major issues CIGNA is willing to address.

**TDI Grant**—**Dr. Lewis E. Foxhall** and HCMS staff serve on a Texas Department of Insurance steering committee that is working on developing a low-cost health insurance that will meet the needs of small businesses.

**Scholarship**—The HCMS joined with El Paso, Tarrant, Travis, and Dallas County Medical Societies to provide a scholarship to Jessica Johnson of Kingwood who will enter The University of Texas Medical Branch at Galveston this fall. The scholarship is one of five under the 2006 TMA Minority Scholarship Program that was presented during TMA’s TexMed in Houston on May 5. The check was presented by **Dr. Diana L. Fite** and **Dr. A. Tomas Garcia III** as well as other officers from the various other county medical societies.

**TMC IT Council**—The Texas Medical Center Information Technology Council held its third meeting March 2. The Council was formed as a result of the HCMS Council of Hospital Chiefs of Staff, chaired by **Dr. Kamal G. Khalil** in 2005, request for common physician passwords for area hospitals. The Council stated it would like to begin by developing an overall plan for a community health information network and then begin its creation of a common password mechanism.

**TMA Foundation Gala**—Thanks to corporate sponsorships, individual physician and alliance donors, and event co-chairs **Dr. and Mrs. A. Tomas Garcia III**, the TMA Foundation Gala at TexMed 2006 reached near-record sponsorship and attendance. Underwriting proceeds from all related gala events combined raised close to \$260,000 in gross revenue for the foundation and the TMA programs it supports, such as *Be Wise Immunize* and the TMA Minority Scholarship Program.

**Inspiring Women**—**Dr. Diana L. Fite** gave the breakfast invocation at the Inspire Women Conference held May 25. The purpose of the breakfast was to gather women in the health care community for nourishment and inspiration.

**El Paso Energy Medical Director**—HCMS staff met with **Dr. Kenneth Wells** to discuss collaborative efforts HCMS could conduct with employers.

**Provider Health Network**—On May 16, **Dr. Diana L. Fite** and HCMS staff met with representatives of Gateway to Care’s Provider Health Network to discuss the progress of physician recruitment for the specialty network. Gateway to Care representatives presented information to the Council of International and Affiliated Medical Societies, chaired by **Dr. Rakesh Mangal**. Dr. Mangal encouraged all of the organizations to get involved.

**Houston Community College**—HCMS staff met with Marsal Stoll, Ed.D., president of the Coleman College of Health Sciences on May 17. The Coleman College is one of the six colleges in the Houston Community College (HCC) System. While teaching the *Business of Medicine*, Pat Harris identified a need for training staff/managers in administering the operations of physicians’ offices, especially for solo physicians and small practices. A follow-up meeting is scheduled for June 21.

**HCMS Business Expo**—The Expo, dedicated to assisting physicians in their practice of medicine, was held April 1 at the George R. Brown Convention Center. More than 200 physicians attended the Expo and enjoyed free seminars on technology for ethics CME credit, health saving accounts for CME credit, and cultural diversity and patient care for ethics CME credit. Seventy vendors showcased their products and services representing diverse industries such as electronic health records, financial institutions, health care systems and clinics, real estate, and physical therapy to name a few. More than 40 exciting door prizes were given away. Physicians gained valuable information from vendors about how the latest technology, emerging medical trends, and various new products and services in the market, can help enhance their medical practices.

**Media Coverage** – *Houston Chronicle* interviewed TMA Medical Economics Division Director Richard Johnson and **Dr. Lewis E. Foxhall** for an article on April 19 on the provider tax for hospitals. HCMS provided information to the *Houston Business Journal* on April 24 for an article on physician-owned hospitals. HCMS directed the *Houston Chronicle* to speak with the Texas Medical Board on April 26 for an article on taking a physician’s title away when a physician is barred from practice. *Houston Business Journal* interviewed on May 8 **Dr. Diana L. Fite** and **Dr. Spencer Berthelsen** regarding the tax on physicians’ practices. HCMS directed *Texas Medicine* to interview **Dr. Robert C. Vanzant** about the HCMS resolution asking that physicians who care for high-risk populations receive priority in early shipments for the flu vaccine. **Dr. Diana L. Fite** was interviewed on May 10 by the *Houston Business Journal* on RediClinics. *Houston Chronicle* published editorial by **Dr. Lewis E. Foxhall** addressing Houston’s health care. *Houston Chronicle* published article on Feb. 23 on **Dr. Diana L. Fite** leading HCMS and **Dr. Lewis E. Foxhall** leading HAM. *Texas Medical Center News* published on March 1 a photograph with a caption entitled “Hurricane Heroes” with **Dr. Diana L. Fite** and **Dr. Robert C. Vanzant** with Harris County Judge Robert Eckels and Mayor Bill White at the 2006 HCMS/HAM Installation of Officers. *Texas Medical Center News* published on March 1 an article on newly elected officers of HCMS Central City Branch listing **Dr. Paul W. Gidley, Dr. Shanti I. Powell, Dr. Arlo F. Weltge, and Dr. Robert M. Komorn**. *Houston Chronicle* published on March 2 the HCMS Central City Branch officers. *Health Leader Magazine* interviewed **Dr. Diana L. Fite** and **Dr. Lewis E. Foxhall** for a story on RediClinics and addressing the health needs of the uninsured. On March 8, *Texas Medicine Magazine* interviewed **Dr. Kenneth L. Mattox, Dr. Michael W. Bungo, Dr. David E. Persse** and **Dr. Diana L. Fite** for an article on lessons learned from recent hurricanes and future issues in disaster preparedness. **Dr. Michael E. Speer** was interviewed for a story with the *Houston Chronicle* on the Children’s Health Insurance Program. HCMS provided *Health & Fitness Magazine* on June 7 with contact information for the Houston/Harris County Childhood Immunization Program.