The Academy of Medicine Education Foundation Co-Sponsors Educational Seminar for Physicians and Attorneys

In April, the Academy of Medicine of Cleveland & Northern Ohio (AMCNO), the Academy of Medicine Education Foundation (AMEF) and the Cleveland Metropolitan Bar Association were pleased to co-sponsor our second annual seminar entitled “Medical Malpractice Issues for Physicians and Attorneys.” The AMCNO would like to thank the members of our Medical Legal Liaison Committee and in particular committee members Messrs. George Moscarino and Edward Taber for scheduling the presenters and for moderating the session. Presenters included the Honorable Chief Justice of the Ohio Supreme Court, Maureen O’Connor, Judge Judy Kluger, Chief of Policy & Planning for New York State’s Unified Court System, Judge John P. O'Donnell, of the Cuyahoga Commercial Docket, Dr. Muzaffar Ahmad from the Cleveland Clinic Foundation and Dr. Leonard Brzozowski, from Southwest General Health Center. Dr. Lawrence Kent, AMCNO President and Barbara Roman, CMBA President provided the opening remarks and welcomed the attendees to the joint session.

Mr. Edward Taber moderated the first session which was entitled “Medical Specialty Court Initiatives – Alternative Dispute Resolution (ADR).” The panel discussed special court-type innovations, as an alternative dispute mechanism for medical cases; and their experiences with special courts and ADR in relation to medical malpractice cases.

Ohio Supreme Court
The Chief Justice began the discussion by noting that a specialty court is a docket that is taken out of the main stream used for processing certain cases and these cases are then placed into what is known as a specialty docket. She stated that Ohio has many specialty dockets – such as drug courts, domestic violence courts, mental health courts, and a veterans court just to name a few. It is an alternative way of dealing with problems as they present in society. One of the benefits of creating a specialized docket is that it creates expertise and an element of consistency so that cases are treated similarly throughout the county or state where the docket is being utilized.

She noted that the first step in developing a specialty docket is to identify need. That means that there is a concerted effort by a group of like-minded individuals to look for a solution to a problem. She noted that this is something that the court does consistently – the court will put together a task force or working group to identify what the problem is and what could be the potential solution. Once a problem is identified, there have to be standards developed – and these standards may come from best practices developed by other states that have already set up a model. The next step is to identify a pilot project or areas where courts would be willing to step up, develop, take the training, and pilot a program. The Ohio Supreme Court then monitors these specialty courts through their case management section as a measurement tool. There are also rules developed and those rules must be approved by the seven members of the Ohio Supreme Court. So in a nutshell, in order to set up a specialized docket there has to be an identified need, a willingness by all the stakeholders to come together to set up and review the concept, study groups put together under the auspices of the Supreme Court; development of rules, identification of pilot projects, judges that are willing to step up and help out; studies done as to the effectiveness of the program, and then ultimately rules are developed for the policy and the procedures with final approval given by the Ohio Supreme Court.

Commercial Dockets
Judge John P. O’Donnell, of the Cuyahoga Commercial Docket, Cuyahoga County Court of Common Pleas, began by stating that his presentation was going to briefly continued on page 4
AMEF awards scholarships each year to Third- and Fourth-year medical students (M.D. / D.O.) who are or were residents of Cuyahoga, Summit, Lake, Geauga, Ashtabula, Lorain or Portage counties, and who demonstrated an interest in being involved in organized medicine and community activities. Applicants must also possess leadership skills and demonstrate academic achievement. AMEF scholarships will be awarded to third- and fourth-year medical students attending the following: Case Western Reserve University School of Medicine, Cleveland Clinic Lerner College of Medicine of CWRU, Northeast Ohio Medical University, and Ohio University College of Medicine.

Applications are due no later than January 31st of the year in which the student is to begin their third or fourth year of study. Scholarship recipients will receive their award at the annual meeting of the Academy of Medicine of Cleveland & Northern Ohio in April of that same year.

A copy of the scholarship application is available on The Academy of Medicine of Cleveland & Northern Ohio (AMCNO) web site under the AMEF link at www.amcno.org.

Donations/Contributions

Did you know that contributions made by December 31st of the year could reduce taxes on returns filed by April 15th of the following year and that missing that date delays tax savings for a full year? That is why charitable gifts should be made well before Christmas. Timing is everything where year-end tax donations are involved, so don’t delay. Plan as if the year ends on December 15th.

The AMEF is a 501(c)(3) tax-exempt organization dedicated to the improvement of health care. The AMEF touches the lives of physicians, medical school students and citizens across the region, through scholarships, community health projects and education. Please review the numerous opportunities to be involved in the Foundation’s efforts and consider making a donation. All donations are fully tax-deductible. If you have any questions please e-mail Secretary-Treasurer Elayne Biddlestone at ebiddlestone@amcno.org or call her at (216) 520-1000, ext. 100.

Cash Donations
To donate by check, simply send your gift by mail to AMEF, 6100 Oak Tree Blvd., Ste. 440, Independence, Ohio 44131. AMEF accepts donations made with payments through Visa or MasterCard, please call (216) 520-1000 ext. 100 to make a credit card gift to the Foundation. Cash donations can also be made online at www.amcno.org under the AMEF tab on the website.

Stock Gifts
Gifts of appreciated stock are a convenient way to contribute to the AMEF. There are often many tax benefits for donors through tax deductions for the full fair market value of the contributed stock, and avoidance of taxes on capital gains. For more information about this type of giving please call AMEF at (216) 520-1000, ext. 100.

Tribute Gifts
Remembering or honoring a family member, friend, loved one or colleague by making a gift to AMEF is a meaningful gesture. Any gift to the AMEF may be made “in memory of” or “in honor of” someone or some occasion. For information on this type of giving you may contact AMEF at (216) 520-1000, ext. 100.

Planned Gifts
AMEF can help you learn more about planned giving. Planned gifts offer many benefits through tax deductions and/or reducing estate taxes. For information on this type of charitable giving contact AMEF at (216) 520-1000, or go to the AMCNO web site at www.amcno.org and click on the AMEF link.

AMEF Scholarships
The Academy of Medicine Education Foundation (AMEF) presented six local medical students with scholarships worth $5,000 each at this year’s AMCNO Annual Meeting. The scholarships were awarded to: George Asaad, Nida Degesys, Arielle Kacters, Lina Ortega, Caitlin Hicks and Paul Adenuga.

This was the seventh year scholarship monies were presented to recipients as part of the program of the AMCNO’s Annual Meeting and Awards dinner, with students and their respective families in attendance.

AMEF enhances the philosophy of the AMCNO in its focus on health-oriented education for physicians, their staff and for patients by providing support for meaningful education and highlighting the value and quality of healthcare in our community.
AMEF Co-Sponsors Medical Student Event

The AMCNO and AMEF were pleased to co-host the Case Western Reserve University Society Dean Mixer for first-year medical students. The event was held at the Cleveland Botanical Gardens where the AMCNO physician leadership mingled with the students and the society deans and provided information and answered questions about the activities of the AMCNO and AMEF. The AMCNO president, Dr. James Sechler, provided brief comments to the group and encouraged the first year medical students to become involved in the AMCNO. He explained that the AMCNO is a group of dedicated physicians who are working to improve quality of care, while providing education and community outreach in our region. He also mentioned the advocacy activities of the AMCNO and noted that the students should consider getting involved because the association and affiliation with doctors in practice can clearly help them to focus on what their career has to offer and how to move toward their goals.

During the event the students asked AMCNO physician representatives about the activities of the AMCNO and AMEF; and how they could participate as medical students. Many expressed interest in the Affordable Care Act (ACA) and the impact it will have on the region; several students asked questions about their career and specialty choices, while others expressed an interest in volunteering and outreach activities.

AMCNO staff was on hand to provide membership information and we were pleased to welcome over 100 new medical student members.

AMEF Funds Used to Sponsor Business Practice Session for Residents

Through the generous support of the Academy of Medicine Education Foundation (AMEF) and the William E. Lower Fund, the AMCNO provided the venue for a seminar geared toward resident physicians entitled “Preparing for the Business Aspects of Practicing Medicine.” This seminar covered such topics as estate planning for young physicians, benefits available to physicians, legal issues for new physicians joining a medical practice, business opportunities for new physicians and disability programs and planning for the future. This session is always very well attended and provides valuable insights for residents about to enter the practice of medicine. Presenters at the session included AMCNO physician leadership and AMEF board members also participated in the event and spent time with the residents talking about their future plans in the practice of medicine.

AMEF Board of Directors Confers Inaugural Philanthropy Award on Dr. John A. Bastulli

The Academy of Medicine of Cleveland & Northern Ohio (AMCNO) held its Annual Meeting Dinner and Awards Presentation Friday, April 27, honoring area professionals and awarding $30,000 in foundation scholarships to local medical students during the evening’s festivities. The 2012 list of honorees was led by John A. Bastulli, M.D., who received the inaugural Academy of Medicine Education Philanthropy Award, for his unparalleled commitment to the AMEF and for his work as an outstanding fundraiser for AMEF. When presenting the AMEF award, the AMEF board chairman, Dr. Victor Bello, was pleased to announce that the AMEF board had unanimously voted to name the AMEF Philanthropy award after Dr. Bastulli to honor him for his staunch support of the foundation and for his superlative fundraising efforts.
describe the workings of the specialized commercial docket and some early case management techniques that apply to a specialized medical docket. He noted that the commercial docket was established after almost two years as a pilot project. This was done after lawyers and business people began contemplating it as part of a task force with the intent to increase efficiency. The commercial docket promotes efficiency through specific specialized training of judges. There are two judges involved in the commercial docket in Cuyahoga County and this promotes efficiency and enhanced expertise. Also, by rule, these cases must be expedited quicker than the usual time limit. For example, motions must be ruled on within 60 days after being fully briefed and bench trial decisions must be made within 90 days. The commercial docket also requires published opinions so parties have the ability to consult the courts’ past opinions, even before filing a lawsuit, which may give some guidance about the likelihood of success or a settlement – and this might be helpful in a medically related court case.

In the first two years of the commercial docket they handled over 2000 cases and at this time there are roughly 400 medical malpractice cases pending in the Cuyahoga County courts – so the number of cases could be an issue when determining if there is a need for a special medical docket in Northern Ohio.

New York Model
Judge Judy Kluger, the Chief of Policy & Planning for New York State’s Unified Court System, presented to the group about the innovative New York medical specialty courts program. Judge Kluger stated that New York State leads the nation in the number of claims filed nationwide – 14% of claims filed in all 50 states. In 2009, New York State spent $1.6 billion to cover medical malpractice cases in New York State costs were reduced by approximately $50 million per year. In 2010, a federal grant was awarded from the Agency for Healthcare Research and Quality (AHRQ). There were three components of the New York State AHRQ grant: 1. A new in-hospital Early Disclosure and Settlement program, 2. A proactive patient safety initiative, and 3. Dedicated court parts that engaged in Judge-Directed negotiations. The grant collaborators included the New York State Department of Health, the Harvard School of Public Health (a group that also develops metrics that evaluate and decide the efficacy of the program), the Center for Court Innovation, and several area hospitals.

The hospital initiatives have included developing a proactive approach to patient safety and reviewing adverse event data to identify clinical intervention as well as research best practices. The hospitals have also developed or enhanced disclosure and early settlement programs as well as developing a comprehensive policy and process for disclosure to the patient when an adverse event occurs. Training staff and implementing the new procedures of disclosing errors to patients and, where appropriate, offering settlement before a lawsuit is commenced – has been the most challenging part of the program.

The court initiative include a judge-directed negotiation which starts with case identification, followed by hospital meetings, meetings with the plaintiff’s bar, and training and working with an attorney/nurse as part of the program. Some of the judges were already experts and did not require additional training – and at this time there are 60 trained judges. There is also interest from the hospitals and the bar association to work on the training aspects. The program was also able to hire a nurse with a law degree who keeps the records and the data and she is there to provide expertise when needed – but she does not have a decision-making role – that is left up to the judge.

Judge Kluger provided the audience with an overview of how a case study would work: first, the facts of the case are obtained, then there is a request for a judicial intervention, followed by a preliminary conference where there is an exchange of records by the parties, then a compliance conference where there may be further discussion regarding a settlement amount, and if there are differences between the proposed settlement amounts there may be some time before the next step which is a settlement conference where the parties may finally come to an agreement and reach the last step of the process – a final settlement conference. Each case is different and some cases may reach a settlement earlier in the process than others. In this process the judges are knowledgeable in the process and there is an opportunity to solve the issues earlier with less cost. In New York they call these “problem-solving” courts rather than “specialty courts” but the concept is similar.

Questions from the audience were varied with one attorney asking how this process would interrelate with a mediation process. Judge Kluger responded that they do not have mandated mediation in New York State and this is because not everyone wants to go to mediation – however, if the parties want to go to trial it is available –
and a small percentage do go on to a trial – but the process saves money overall. In response to a question regarding the percentage of employed physicians involved in the project Judge Kluger responded that all of the physicians participating in the HHC model are employed by the hospitals. The hospitals can make settlements and negotiate easier and sometimes the hospitals are out by stipulation and the hospital takes on the liability – however the doctor does have a say in whether cases are settled. Judge Kluger noted that in New York they have even stricter reporting than the national database and in some cases it is a barrier in getting to settlement. She stated that before this process the litigation costs were high – depositions and experts cost money and the cases were taking over 5 years to resolve – if there is an injury to a patient they are compensated sooner. This is about getting a fair and quick resolution in these type of cases.

Physician Panel Discussion

Mr. George Moscarino introduces the physician panel – (l to r) Mr. Moscarino, Dr. Ahmed and Dr. Brzozowski.

Mr. George Moscarino moderated the second panel discussion which was entitled Medical Malpractice – the Physicians’ Perspective. The physicians on the panel were asked to discuss their actual experiences as a Defendant in medical malpractice litigation, including but not limited to the emotional impact of being named and actively participating as a party in a lawsuit. Physician participants on this panel were Dr. Muzaffar Ahmed from the Cleveland Clinic Foundation and Dr. Leonard Brzozowski, from Southwest General Health Center.

The physicians on the panel noted that if you are a good communicator with your patients more than likely your medical malpractice claims could be limited – it is very important to communicate with your patients as much as possible. The medical profession is entering a new “realm” with the increased use of electronic health records (EHR) – and there is no doubt that this phenomenon will have an impact on the practice of medicine. Physicians should be clear and concise on what they put into the medical record. There are now practice guidelines embedded in the EHR and there is pre-population of the chart notes in the EHR – so physicians should be very careful when signing off on and pre-populating data in the record – and remember to educate your residents about these issues. Finally it was noted that physicians should always try to do more rather than less documentation in the chart, and there should be more discussion with patients about risks and outcomes in particular if you are planning an innovative procedure.

The AMCNO, AMEF and the CMBA wish to thank all of the presenters for their participation in this session and the AMCNO looks forward to working with the CMBA in the coming year on other medical legal initiatives.

AMEF Co-Sponsors Event for Practice Administrators

The Academy of Medicine of Cleveland & Northern Ohio (AMCNO) was pleased to host its twenty-sixth annual “Solving the Third Party Payor Puzzle” seminar. The following insurance companies participated in the event: Medical Mutual of Ohio, CIGNA Healthcare of Ohio, Palmetto GBA, the Ohio Department of Job and Family Services (ODJFS), UnitedHealthcare, Anthem Blue Cross and Blue Shield and Availity, LLC. The seminar was moderated by the AMCNO Executive Vice President/CEO and the AMCNO President.

Audrea Caesar (left) from the Ohio Department of Job and Family Services spends a moment with Vanessa Williams from PalmettoGBA.

Healthlines Radio Program

AMEF provided co-sponsorship with the AMCNO of the well-established and award-winning Healthlines radio program, which provides healthcare related information from expert member physicians to the community. This sponsorship affords AMEF the opportunity to establish itself in the community. The Healthlines program is hosted by AMCNO past president Dr. Anthony Bacevice, Jr. Recordings of the 2011-2012 Healthlines program may be downloaded from the AMCNO web site at www.amcno.org.

Thank you to the following interviewees that appeared on Healthlines in 2011-2012 (list is current through October 2012):

Dr. Kevin Stephens
Dr. Vaishali Flaks
Dr. Anthony Furlan
Dr. Michael Konstan
Dr. Donna Plecha
Dr. Michael Roizen
Dr. Marc Gillinov
Dr. Walid Saliba
Dr. John Fung
Dr. Jyoti Krishna
Dr. Luke Weber
Dr. Julie Belkin
Drs. Leah Chemin/
David Swender
Dr. Kristina Thomas
Dr. Ann Bacevice

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Dr. Murat Tuzcu
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Dr. Marsha Kay
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Annual AMEF fundraiser

Every year in August, AMEF sponsors an event designed specifically to raise funds for the foundation. A charitable golf outing in memory of Marissa Rose Biddlestone, daughter of the AMCNO Executive Vice President and CEO, who succumbed to leukemia in 2003. Now in its ninth year, this annual outing has raised more than $300,000 for the foundation – funds that are utilized for local medical student scholarships and the aforementioned AMEF projects. (For an overview and pictures from this year’s outstanding outing see page 7.
The Purpose of AMEF

AMEF may apply funds to the following charitable and educational purposes:

- Promoting education and research in the field of medicine by the establishment or financing of fellowships, scholarships, lectures, projects and awards on such terms as the Trustees deem best;
- Providing and promoting education programs on the science of medicine, including presentations on clinical care and new procedures;
- Providing and promoting health education for the welfare of the community, identifying public health issues and unmet community health care needs and make proposals for dealing with such issues and filling such needs for the benefit of the public;
- Maintaining and providing educational materials and publications concerning health care to the members, related public service organizations and citizens of the community;
- Supporting medical education at local medical schools by providing lectures and counseling services;
- Supporting local public health programs and initiatives;
- Sponsoring seminars on topics of medical education and public health issues;
- Assisting in the production of educational radio and television programs, telephone recordings, and computer and electronic programs and materials, designed in each case to educate members of the general public on matters of health care and public health issues;
- Making grants, donations, or contributions of funds or other property in the trust estate to other charitable, scientific, and educational trusts, organizations or institutions, organized and operated for any of the purposes set forth in subparagraphs above, or for uses that are in furtherance of any of the other purposes of this Trust, including for medical research and education, public health programs, and public and community education relating to health care and wellness programs, provided that no part of the net income of such trusts, organizations, or institutions inures to the benefit of any private shareholder or individual and that no substantial part of the activity of such trust, organization, or institution is the carrying on of propaganda, or otherwise attempting to influence legislation, or participating or intervening in any political campaign.

As the cost of medical education continually increases, financial assistance for medical students is more important than ever. And as you may know, a physician shortage is predicted in the next decade with studies showing there may not be enough qualified physicians to meet the medical needs of an aging population in coming years. AMEF needs funds to provide scholarships to medical students to assure that our medical schools continue training physicians to meet the needs of patients in the future. Your contribution to AMEF will help us with this laudable goal. In addition, your funds will be used to assist with other worthwhile foundation activities. Contributors will be acknowledged on the AMCNO web site, in future newsletters and when the medical scholarships are awarded at our annual meeting. Included with this newsletter is a give envelope for AMEF. A separate mailing has also been sent out to all past scholarship recipients and all AMCNO members requesting donations/contributions to the AMEF. Please include AMEF in your charitable giving plans.

The Academy of Medicine Education Foundation was formed by the physician leadership of the Academy of Medicine of Cleveland & Northern Ohio. Original funding came from voluntary contributions as a result of a successful polio vaccination program sponsored by the Academy of Medicine of Cleveland in the years 1958 and 1962. The largest continuing commitment of the foundation is student scholarship grants to worthy students in the medical field. Since its inception, the foundation has granted more than $1.3 million to such qualified students. The Foundation has historically initiated many programs of benefit to the community and has co-sponsored and funded various healthcare related seminars and programs across Northeast Ohio for decades.
2012 Golf Outing Highlights

Golfers enjoyed Chagrin Valley Country Club on Monday, August 6, 2012 at the Academy of Medicine Education Foundation’s (AMEF) ninth annual Marissa Rose Biddlestone Memorial golf outing. Foursomes competed in a shotgun start tournament that raised more than $40,000 for AMEF. The funds will be utilized for medical student scholarships, annual CME seminars and the Healthlines radio program. The 2012 AMEF scholarship recipients were invited to join the group for dinner.

1st Place Team:
Dr. Matt Levy, Wilson Beers, Brad Martin & Dr. Lawrence Kent

2nd Place Team:
Dr. John Bastulli, Richard Garcia, Mark Janack & Marc Mingione

3rd Place Team:
Jeff Leimgruber, Mike Mainwaring, John Meyerhofer & John Mills

Skill prizes were also awarded for the following:

Closest to the pin:
John Bastulli, Jr., Jesmin Ehlers, Dr. Anthony Bastulli, and David Bastulli

Longest drive:
Jim Brown on #5 and Jim Brown on #10

Longest putt holed:
Doug Charnley

A special thank you goes to all the event, hole and hole-in-one sponsors who helped make the day successful.

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Get your clubs ready for next year’s event on August 5, 2013 at Canterbury Golf Club
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Foundation Facts • Fall 2012

Mission

The mission of AMEF is to enhance healthcare through education of the medical profession and the community at large. The purpose of AMEF is to add a charitable component to the AMCNO and to partner with the AMCNO in implementing new initiatives for both physicians and the patient population through charitable, educational and scientific efforts. AMEF enhances the philosophy of the AMCNO in its focus on health oriented education for physicians, their staff and patients by providing support for meaningful education and highlighting the value and quality of healthcare. A showcase for a philanthropic spirit is provided through the Foundation for physicians who desire to give back to the community and the profession they serve.