Spring 2003



President's Message

Kevin D. Accola, M.D.

Greetings! I want to thank the Council and Program Committee for their assistance and efforts for our

successful 2003 Annual Meeting held in February at the PGA Resort & Spa in Palm Beach Gardens. The meeting was well attended and filled with excellent presentations from our quest speakers: Lorenzo Menicanti, M.D., Milan, Italy, Patrick McCarthy, M.D., Cleveland, OH and Maurice Sarano, M.D., Rochester, MN as well as members of our Society who participated as speakers. We also had guests who attended from three other states (Kansas, Mississippi and Arkansas) who have since returned home and begun initiating "Societies" in their respective states. We have been instrumental in assisting in beginning societies in other states including Connecticut, Illinois and Minnesota, as ours was used as a template. It is imperative that we continue to be an example to other states as we become more organized nationally enhancing the Society of Thoracic Surgeons initiatives. A special thanks to Bridget Anderson and Dawn Moerings as their continued tremendous management assistance is a reflection of our outstanding meetings. You will find a more complete recap of this years meeting later in this newsletter.

We are still "missing" some of our membership dues and assessments for this year. It remains important and imperative that we have our entire state as "membership". This is the only way we will be successful in legislative issues and continued tort reform agenda within our state that impacts as practicing cardiovascular and thoracic surgeons. The council reluctantly will be canceling memberships of those individuals who have not contributed their dues. This has become necessary for us to continue as an active society.

Chris Nuland has been working diligently in Tallahassee for tort reform, the Certificate of Need agenda and other issues in a collaborative effort with the FMA. On March 27th a number of our members met for lunch in Tallahassee and then joined in the rally for tort reform. There were 5000 doctors present that day and everyone appeared happy and content...thought to put this in perspective - there are

over 40,000 doctors in the state. Of these, only 14,000 belong to the FMA. So in reality, 5,000 of the "passionate few" attended which is actually a sorry showing for such an important issue as tort reform. Most physicians are "too busy" to be involved or "could not fit this into their schedule". Until this becomes as "access issue", no strong legislation will be acted upon. Tort reform issues not only will affect our current practices, but more so the future of health care as we know it. This will obviously affect all of us at some point when we become "utilizers" of the health care system, i.e. or families, our friends and ourselves. We do appreciate the passionate few who took the day off from their busy practices and came to Tallahassee. Thos who did not should never utter a word of complaint about what is happening to our specialty and practices...because you were not there.

This years Summer Family Retreat will once again be held at the beautiful Ocean Reef Club and Resort in Key Largo, FL. This always proves to be a very social and enjoyable meeting for us to spend time together with family as well as industry representatives in a relaxed informal setting. Last year's attendance was the largest ever, almost 250 people! We hope you will consider joining us at Ocean Reef for this relaxing retreat.

We are also in the process of planning our 2004 Annual Meeting which will be held February 27 - 29, 2004 at the Doral Golf Resort & Spa in Miami. Please make plans to attend and become more active in your Society. Our strength and influence remains in our numbers and representation. Have a great Summer! For those who missed the 2003 Annual Meeting at the PGA National Resort & Spa February 21 - 23, you missed a great meeting!

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Legislative Update

Christopher L. Nuland, Esq. Society Legal Counsel



The 2003 Legislative Session will be best remembered for what it failed to do. Despite an enormous amount of effort by legislators and lobbyists on issues such as tort reform, workers compensation and PIP, the Legislature failed to pass meaningful legislation on any of these issues. Even constitutionally mandated issues such as workplace smoking and the budget remained unresolved, forcing Governor Jeb Bush to call for a

Special Session to begin on May 12, 2003.

For thoracic and cardiovascular surgeons, the Legislative Session was one in which much was accomplished, while many challenges remain. Initially confronted with the possible de-regulation of open heart surgery; the FSTCS and Legislature agreed to allow five hospitals that had already qualified for a CON (only to have the CON's delayed or repealed due to legal maneuvering by competitors) to start open heart programs if they abide by stringent quality and volume requirements. Significant movement was made on comprehensive CON reform, although a final bill that included virtually all of the FSTCS' suggestions died on the Senate floor after having passed the House.

For physicians, the lowlight of the Session certainly was the Legislature's failure to pass tort reform legislation. While the House tort package addressed many of the key issues and included the imperative \$250,000 cap on non-economic damages, the Senate version focused on physicians and insurers as the purported source of the crisis; the Senate version would force insurers to roll back rates, mandate additional reporting of adverse incidents by hospitals and physicians, and would not cap non-economic damages. These issues will have to be reconciled quickly if a consensus is to be reached during a Special Session. On the bright side, both chambers seem to have reached a consensus on expert witness and subsequent treating physician changes, as well as mandatory mediation.

Another sour note for physicians was the Legislature's failure to pass a bill that would have continued the confidentiality of hospital adverse incident reports. Unless legislation is passed during the Special Session, the current public records exemption for such reports will expire, and this essential element of peer review will be come a public record.

While the focus of this Special Session is to produce a constitutionally mandated budget, the Governor has hinted that he will require the members to remain for an entire two weeks in order to address tort reform and workers compensation issues. Therefore, efforts to contact legislators should continue vigorously until such time as the legislators pass meaningful bills on these subjects.

A special thank you goes to those physicians who have taken the time to contact their legislators. 2003 is a watershed for physicians in Florida, and no amount of professional lobbying can match the impact of concerned physicians taking time out of their busy schedules to let their voices be heard.

FSTCS Members Rally in Tallahassee

Gary H. Dworkin, M.D. Legislative Policy Chairman

Florida physicians rallied in Tallahassee on the steps of the old Capitol building on March 27, 2003. This rally, which attracted physicians as well as other health care workers from all parts of the



State of Florida, was centered on the Florida Medical Association's call for a day of discussion and lobbying, regarding medical malpractice reform legislation.

The Florida Society of Thoracic and Cardiovascular Surgeons were represented by Drs. Peter Downing, Kevin Accola, Tim Moore, George Palmer, Gary Dworkin, Brian Hummel, and Gary Allen.

The physicians were accompanied by our legislative

and legal counsel, Mr. Chris Nuland, and Dawn Moerings who drove over from Jacksonville to participate in the rally. Florida Society members met with Representative Sandra Murman, who is promoting a Certificate of Need Open-heart Surgery Compromise bill, which our Society is supporting. We also met with Lucretia Collins, Staff Director for the House of Representatives Health Care Committee. Chris Nuland and Gary Dworkin met with the Chairman of the House Health Standards Subcommittee, Representative Gayle Harrell. During the day, Florida Society members participated in the rally on the Capital Steps, caucused with other surgeons, and sat in on the House Health Committee hearings.

Our goal was to meet directly with legislators regarding tort reform as well as open-heart surgery CON legislation. While both of these issues are still ongoing in the Florida Legislature special sessions, it continues to be the Florida Society of Thoracic and Cardiovascular Surgeons' plan to work towards the prevention of any deregulation of open-heart surgery.

Finally, we are all hopeful that our efforts and the voices of many other physicians and supportive health care personnel were heard. We hope that with continued persistence, the Florida legislature will present to the Governor comprehensive medical malpractice reform legislation.

Thanks to all of the members who took time out of their practice to spend the day in Tallahassee. I, for one, learned a tremendous amount about the workings of the Legislature.

If you have any specific questions, please feel free to contact me at (727) 446-2273. We will see you all at the Society summer meeting at the Ocean Reef Club, on Key Largo.

2004 Annual Meeting February 27 - 29, 2004

The Doral Golf Resort & Spa Miami, FL 1-800-71DORAL FSTCS Room Rate \$315 S/D

Mark your calendar now for the 2004 Annual Meeting. We are planning an exciting scientific program that you will not want to miss. Tentative topics will include:

- New Technologies in Thoracic and Cardiovascular Surgery
- Advancements in Aortic Surgery
- Neurological Injury due to Cardiovascular Surgery
- Current Socioeconomic Issues

FSTCS Welcomes New Members

Naaman Abdullah, M.D. Miami Beach

Michael Cortelli, M.D. Hudson

Jonathan C. Fong, M.D. Leesburg

Kushagra Katariya, M.D. Miami

Arthur H. Katz, M.D. Palm Beach Gardens

Joseph Lamelas, M.D. Miami

Alfredo Rego, M.D. Melbourne

Ira L. Siegman, M.D.Hudson

Gregory T. SimmonsOrlando

Wael Z. Tamim, M.D. Ft Lauderdale

Robert K. Wenger, M.D.

Boca Raton

FINAL HIPAA SECURITY RULE RELEASED

Christopher L. Nuland,, Esq. General Counsel

On February 20, 2003, the Department of Health and Human Services released the delayed HIPAA Security Rule. While the date for complete compliance with the Rule is not until April 20, 2005, physicians are encouraged to comply with its requirements as soon as possible, as most of the requirements already exist in federal statutes.

Fortunately, the Department opted not to expand greatly the purview of the HIPAA statute itself. Rather, the new regulations require all covered entities to:

- Ensure the confidentiality, integrity, and availability of all electronic protected health information (PHI) the covered entity creates, receives, maintains, or transmits;
- 2. Protect against any reasonably anticipated threats or hazards to the security or integrity of such information;
- Protect against any reasonably anticipated uses or disclosures of such information not otherwise allowed by law; and
- 4. Ensure compliance by its workforce.

In determining whether a covered entity has complied with the rule, the Department will take into account the size of the office, its technical infrastructure, the potential cost of security measures, and the potential threat to the security of the information. In other words, a "reasonable approach" is what is required. In order to show compliance, physicians should be able to document that their offices have addressed the following 18 standards, many of which may already have been addressed while complying with the Privacy Rule:

A. Administrative Safeguards

- Security Management Process Standard: Covered entities must draft and implement policies that require a risk analysis, risk management, a sanction policy, and information system review. For small offices, these steps may be taken internally, and do not require the engagement of so-called HIPAAA experts.
- 2. Assigned Security Responsibility Standard: A HIPAA Security Officer must be named, who may be the same person as the HIPAA Privacy Officer.
- Workforce Security Standard: The physician must determine who should have access to PHI and under what circumstances, and must ensure that such access is terminated upon termination of an employment.
- Information Access Management Standard: Likewise, offices must have policies and procedures as to how authorized persons may access information, such as passwords for electronic information.
- 5. Security Awareness and Training Standard: All staff must be trained in the new security standard.
- Security Incident Procedures Standard: The office must have
 policies and procedures to deal with unauthorized disclosures, and
 such policies must require the identification and response to
 unauthorized disclosures, mitigation of harmful effects, and

- document the incidents and their outcomes.
- 7. Contingency Plan Standard: Likewise, the office must have policies to deal with the sudden loss of PHI through data backup, an emergency plan, and testing an revision procedures.
- Evaluation Standard: This standard requires the covered entity to
 periodically evaluate itself to determine if it is in compliance with
 the Security Regulations. Again, compliance with this standard
 does not necessarily require the engagement of outside personnel.
- Business Associates Standard: As in the Privacy Rule, Business Associates must guarantee that they will provide security for PHI.

B. Physical Safeguards

- Facility Access Controls Standard: The covered entity must have policies and procedures to control access to PHI and the facility itself.
- 11. Workstation Use Standard: Covered entities must have policies and procedures detailing what may or may not be done at a workstation. For instance, a ban on using the internet for personal use may be appropriate.
- Workstation Security Standard: Policies and procedures must be developed and implemented to ensure that only authorized employees have access to workstations.
- 13. Device and Media Controls Standard: Offices must have policies to ensure that hardware, software, and media storage (e.g., floppy disks) are erased before being disposed, reused or leaving the building.

C. Technical Safeguards:

- Access Control Standard: Access to electronic PHI must be restricted by office policies, which must include unique user identification and emergency access procedures.
- 15. Audit Controls Standard: The actual systems that house PHI must be audited/inspected periodically to ensure the integrity of electronic PHI.
- Integrity Standard: Policies and Procedures must be in place to ensure that electronic PHI cannot be inappropriately altered or destroyed.
- 17. Person or Entity Authentication Standard: A mechanism must be in place to authenticate the identity of those who gain access to electronic PHI. Passwords are a typical form of authentication.
- 18. Transmission Security Safeguard: Covered entities must takes steps to minimize the chance of unauthorized access to electronic transmissions of PHI.

Compliance with the new Security Rule may require many offices to seek outside help, but should not require the expenditure of tens of thousands of dollars for most small offices. For those seeking further information, please feel free to contact the General Counsel's office directly at (904) 355-1555.

FSTCS 2003 FAMILY SUMMER RETREAT

JULY 11 - 13, 2003



REGISTER NOW for family fun at the Ocean Reef Club & Resort in Key Largo; a 4-star resort with 36 holes of championship golf, 10 tennis courts, award winning restaurants and a 175-slip marina. The Society's "Summer Family Retreat" is fun for the whole family and we invite you to join us for rest, relaxation and a myriad of recreational activities.

The weekend kicks off on Friday, July 11th with the Family Welcome Reception & Dinner at 6:30 p.m.

Saturday morning's breakfast will begin at 7:30 a.m. Beginning at 8:00 a.m., the Scientific Session will include Postoperative Treatment of Atrial Fibrillation followed by The Pharmacological Treatment of Heart Failure. The Seventh Annual Children's Fishing Tournament will be held on Saturday from 9:30 a.m. - 11:30 a.m. Be sure to register your "little one", they might just catch the "Big One"! A Family Buffet Luncheon will be served from 11:30 a.m. to 12:30 p.m. Following lunch, there are two optional family activities: The Snorkeling Trip participants will meet at the Fishing Village at 1:00 p.m. with the boat departing at 1:30 p.m. Space is limited for this popular activity, so make your reservations early!! For those who are landlubbers, a Family Scavenger Hunt will take place from 1:00 p.m. - 3:00 p.m. The Ocean Reef

activities; Reef Club Kids; for children 5 - 11 years. Please call them directly at (305) 367-5830 for schedules, rates and to make your reservations. If you would like to pursue your own adventures, try fishing, sailing, bicycling, golf, tennis, croquet, shopping or sightseeing. The Saturday Evening "Beach Bash" Reception and Dinner on the beach begins at 6:30 p.m., so plan on ending your activities in time to join the evening's festivities.

Sunday morning's breakfast will begin at 7:30 a.m.; followed by the Socioeconomic Session on Legislative and HIPAA Updates from 8:00 - 9:30 a.m.

> Make your hotel reservations directly with the Ocean Reef Club & Resort at (800) 741-7333 and ask for the FSTCS group rate of \$125.00 (S/D) or \$230.00 (2 BR condo). The cutoff date for the special FSTCS group rate is June 9th. If you would

like to extend your stay, the group room rate is offered 3 days prior to and following our weekend activities. For additional resort information, please call the Ocean Reef Club's main phone #: (305) 367-2611.

If you need more information or a registration form for this meeting, please contact Bridget Anderson; Society Administrator; at (904) 683-8200 or fstcs@attbi.com.

Don't forget to register your children for the

has a wonderful program of organized children's

Children's Fishing Tournament

Saturday, July 12, 2003 9:30a.m. - 11:30 a.m.

Come catch "The Big One!"

7th Annual FSTCS

Register for your choice of family activities:

Family Snorkeling Trip Saturday, July 12, 2003 1:00 p.m.



or

Family Polaroid Scavenger Hunt Saturday, July 12, 2003 1:00 p.m.

(Space is limited, so register early!)



2003 Annual Meeting Highlights



The 2003 Annual meeting kicked off Friday afternoon with a seminar on Prompt Pay, HIPAA and Coding/Billing issues with presentations by Christopher L. Nuland, Esq., Leigh Gardner of Incepture and Drew Rector of Cardiovascular Associates in St Petersburg. This was well attended by surgeons as well as office administrators and was very informative. Following the seminar, members and industry representatives enjoyed the welcome reception.

Saturday morning's scientific session included Advancement in Echocardiography for the Heart Surgeon by Maurice Sarano, M.D., The Role of the Mitral Valve in Heart Failure by Patrick McCarthy, M.D., and The Dor Procedure by Lorenzo Menicanti, M.D. Informative case presentations were presented by T. Peter Downing, M.D., Edward G. Izzo, Jr., M.D., T. Wistar Moore, M.D., and J. Crayton Pruitt, Jr., M.D. and discussed by James Alexander, M.D., James Quintessenza, M.D. and Victor Morell, M.D. We were privileged to have FMA's President; Robert Cline, M.D. and Exec. Vice President; Sandra Mortham to update us on the

FMA and it's Legislative Agenda.

Saturday afternoon's golf tournament was a rousing success with the foursome of Scott Bronleewe, M.D., Tampa, Michael Bluett, M.D., Jacksonville, Chad Payne of Cryolife and Matt Wallace of Carbomedics taking top honors. Saturday evening the President's Reception and Dinner was well attended as Ken Davis entertained us with his uplifting and comedic outlook on life.

Sunday's scientific presentation by Louis Guzzi, M.D. on Transfusion Alternatives was most interesting. Following Dr. Guzzi, there was an Asset Protection Seminar presented by Jeffrey Phipps of Janney, Montgomery, Scott, LLC.

There were approximately 90 surgeons and administrators in attendance for the intellectually stimulating scientific meeting which provided all the attending surgeons an opportunity to spend more time with each other in a relaxed environment.

FSTCS 2003 Annual Meeting Corporate Sponsors

The Florida Society of Thoracic & Cardiovascular Surgeons gratefully acknowledges the unrestricted educational grants from the following sponsors:

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2003 Annual Meeting Highlights



Patrick McCarthy, M.D.



Maurice Sarano, M.D.



Louis Guzzi, M.D.



Lorenzo Menicanti, M.D.





Robert Cline, M.D., Kevin Accola, M.D. and Sandra Mortham



Golf Tournament Organizers Gary Porter and Patrick Ellis



Patrick Ellis presents prizes to the golf tournament winners



Meredith Scott, M.D. and Kevin Accola, M.D.



Comedian Ken Davis





Dr. & Mrs. Andre Vasu



Dr. & Mrs. Brian Hummel



Dr. & Mrs. Menicanti, Dr. Accola and Ken Davis



Dr. & Mrs. Tim Moore

The Luxury of Apathy is Behind Us.

Jeffrey Phipps, Sr.

The Council has asked us to summarize our twohour presentation at the FSTCS Annual Meeting, February 23, 2003 at the PGA National Resort & Spa in Palm Beach Gardens.

The majority of the session was spent reviewing the master asset protection checklist as it relates to the MD's personal and corporate profile. Significant time was allocated to the subject of legal overview and legislative updates.

What is MD financial planning?

It involves identifying your goals, both qualitative and quantitative and using sophisticated legal, accounting, investment and insurance planning strategies to achieve these goals within an asset protection framework:

- Wealth Preservation Strategy (private & corporate)
- Estate Planning
- · Retirement Planning
- Education Planning
- Capital Needs Analysis
- Insurance Needs Analysis
- · Development of Net Worth Statement

There are six basic steps in the financial planning process:

- 1. Identify and prioritize your short-term and long-term goals.
- Complete the MD personal information questionnaire and provide us with the requested documents.

- Conducting a "financial physical" examination in conjunction with the indicated tests and analysis.
- 4. Present your confidential financial plan and review the diagnosis.
- 5. Explain and implement our treatment plan.
- 6. Periodic "financial physicals" will take place to monitor our treatment plan progress.

The Phipps Group of Janney Montgomery Scott LLC (since 1832) is a financial planning practice devoted to MD's. Specialists in legal, accounting, investment and insurance focus on designing individualized financial plans with the objective of protecting and preserving the MD's wealth. With MD incomes being largely dictated by the insurance industry and the government, and with malpractice settlements accelerating, it is critically important to take the time to organize your financial life and gain control of your and your loved one's financial future. Our experience in working with healthcare professionals is that you spend so much time caring for your patients that you and your family's personal financial planning may suffer.

We look forward to continuing our support of and relationship with

The FSTCS and its members.

The Phipps Group (800) 613-1327

jphipps@jmsonline.com

Web Sites of Interest

Society of Thoracic Surgeons: http://www.sts.org

American College of Surgeons http://www.facs.org

Coding Questions?

American College of Surgeons

Oding Hotline 800-227-7911 SIS/AAIS Coding Hotline 303-357-6812



Have your membership numbers ready when calling.

FSTCS Membership Invitation

Dear Fellow Surgeon:

I invite you to apply for membership in the Florida Society of Thoracic and Cardiovascular Surgeons.

Requirements for Active membership include certification from the American Board of Thoracic Surgery as well as having been in practice in the state of Florida for a minimum of two years. If you have practiced in the state less than two years, you may apply for Associate Membership. Annual dues are \$250 for Active Membership and \$200 for Associate Membership and are payable upon approval. To apply for membership, simply complete and return the application form on the reverse side of this letter along with the \$50 application fee to the society office by December 31, 2003.

Special Offer

If you submit your membership application prior to July 1, 2003 you may attend the FSTCS Summer Family Retreat with **COMPLIMENTARY MEETING REGISTRATION** (a savings of \$350.00). In order to take advantage of this special offer, simply apply for membership by completing and returning the enclosed membership application with the \$50 application fee along with your Summer Retreat registration form. We will contact your two references to request their letters of recommendation and continue the application process. Applicants for membership will be presented to the Executive Council during our next annual meeting to be held February 27 -29, 2004 at the Doral Golf Resort & Spa in Miami Beach, Florida.

If you have any questions regarding the activities of the Society or the membership application procedure, or if you need additional information or registration forms for the upcoming Summer Family Retreat, please contact Bridget Anderson at our Society office at (904)683-8200. I believe you would enjoy the professional fellowship of our organization and find your membership worthwhile.

Sincerely,

Dennis F. Pupello, M.D. Membership Chairman

whi Thusth



Florida Society of Thoracic and Cardiovascular Surgeons

APPLICATION FOR MEMBERSHIP
Active ____ Associate ____

(Please Type or Print)		
NAME(Last)		PHONE
(Last)	(First)	(Middle)
OFFICE ADDRESS		EMAIL ADDRESS
	(Street)	
	City, State and Zip)	FAX
•		AT LEAST TWO YEARS TO BECOME AN ACTIVE MEMBER O
	OU MAY APPLY FOR AN ASSOCIATE	
		SPOUSE NAME
MEDICAL EDUCATION (v	vith dates)	
INTERNSHIP (with dates)		
RESIDENCY / Other Grad	luate	
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(since residency)		
BOARD CERTIFICATIONS	S: Date of Certi	ficate Certificate Number
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Royal College of Surgeon	ns	
Other Professional Memi		
.		
Date licensed to practice	in Florida (Must be at least 2 ye	ars for Active Membership):
List two FSTCS Members	s outside your own group who w	rill provide references for this application:
(1)		
(2)		
Signature of Applicant:_		Date
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PLEASE RETURN WITH \$50 APPLICATION FEE TO:

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Spring 2003



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The Florida Society of Thoracic and Cardiovascular Surgeons News

The Florida Society of Thoracic and Cardiovascular Surgeons newsletter is published periodically and mailed to members of the Society.

Kevin D. Accola, M.D., President T. Peter Downing, M.D., Secretary/Treasurer Bridget H. Anderson, Administrator

> Address Correspondence to: FSTCS Newsletter c/o 5101 Ortega Boulevard Jacksonville, FL 32210

Phone: (904) 683-8200 Fax: (904) 619-0642 E-mail: fstcs@attbi.com

MARK YOUR CALENDAR WITH THESE IMPORTANT DATES

2003 FSTCS Summer Retreat

July 11 - 13, 2003 Ocean Reef - Key Largo, FL

2004 FSTCS Annual Meeting

February 20 - 22, 2004 The Doral Golf Resort & Spa - Miami, FL

2004 FSTCS Summer Retreat

July 9 - 11, 2004 Ocean Reef - Key Largo, FL

FSTCS 5101 Ortega Blvd. Jacksonville, FL 32210