



Established 1852

Lehigh County Medical Society

The mission of the Lehigh County Medical Society is to encourage physicians and healthcare professionals to have the highest moral and ethical standards; to counsel and censure them when necessary; to serve as a strong and united voice for our Lehigh County physicians, our patients and our community; to promote healthful living and well-being and to advance the highest standards of healthcare and service in our region through education, service and advocacy.

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Visit our website at: www.lcmedsoc.org

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The DR Bulletin

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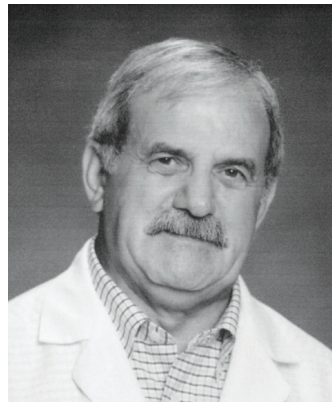
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YOUR 2016 PRESIDENT, Charles J. Scagliotti, M.D.



My time as your president is rapidly coming to an end. I would be remiss if I didn't begin this article by thanking the medical society board and Dave Griffiths for their unwavering support. As a team we strive to make the society beneficial to all its members.

This past year has seen an increase in our membership having added 48 new members. Of great significance is that 1/6 of these new members are medical students and residents which is a greater number than in recent years. Their participation is vital as they represent the future of medicine. We must continue in our efforts to educate these young physicians as to the benefits of joining our group.

We took an active role in helping spread awareness of the opioid problem sweeping our nation and encouraged our members to help curtail the over-prescribing of these drugs. This is an issue we must continue to combat.

New initiatives are on the horizon. 2017 will see the launch of a new publication featuring articles written by physicians for physicians to provide education in areas of special interest. My New Year's wish is that we continue to improve our listening skills when caring for our patients. We must make a concerted effort to hear what they are saying. Diagnostic tests may lead to a diagnosis, but the patient's own story rounds out the picture. It provides us with valuable information regarding how that diagnosis is affecting their life and the essence of their being. Knowing this may alter our approach, customizing it as much as possible to meet the individual patient's needs.

Finally I wish to thank you for allowing me to be your 2016 president and to offer my congratulations and support to our incoming president Dr. Bruce Nicholson. I am confident he will successfully lead us into the future

-Charles J. Scagliotti, M.D.

Lehigh County Medical Society, 1620 W Highland St, Allentown, PA 18102-1033
Phone: 610-437-2288 Fax: 610-437-0910 www.lcmedsoc.org

Manuscripts offered for publication and other correspondence should be sent to 1620 W Highland St, Allentown, PA.

The DR Bulletin is published six times a year bi-monthly, beginning in January, by the Lehigh County Medical Society.

The editorial board reserves the right to reject and/or alter submitted material before publication. All manuscripts and letters should be typed double-spaced on 8 1/2" x 11" stationary.

The opinions expressed in these pages are those of the individual authors and not necessarily those of the Lehigh County Medical Society.

The ad material is for the information and consideration of the reader. It does not necessarily represent an endorsement or recommendation by the Lehigh County Medical Society.

Preserve Your County Medical Society - The Grassroots of Organized Medicine

Pa. Supreme Court to Consider Medical Malpractice Case with Implications for Peer Review Process Confidentiality

The Pennsylvania Supreme Court will consider an important issue regarding the Peer Review Protection Act (PRPA), which could significantly impact the confidentiality of the peer review process for some physicians and professional health care providers in the commonwealth.

The PRPA requires the proceedings and records of a review committee to be held in confidence. Accordingly, it protects from discovery any information and/or materials developed as the result of a committee's review of a health care provider. No one who participated in the committee's review is permitted to testify in a civil proceeding about the contents and/or results of the review. Information, documents or records otherwise available, however, are not protected.

The Pennsylvania Supreme Court will determine whether peer review documents developed by an independent contractor, whose employees staff a hospital under contract, should be entitled to the PRPA confidentiality protections.

Factual Background

This case stems from an August 2012 medical malpractice lawsuit brought by Mrs. Reginelli against Dr. Boggs, an emergency department physician and employee of Emergency Resources Management, Inc. (ERMI). ERMI is an independent contractor that contracts Monongahela Valley Hospital to operate the hospital's emergency room.

In January 2011, Mrs. Reginelli experienced chest pain and was taken to see Dr. Boggs. She subsequently sued Dr. Boggs in August 2012, alleging that his negligence resulted in permanent damage to her heart.

During discovery, Mrs. Reginelli learned that Dr. Boggs' supervisor, Dr. Brenda Walther (who is also an employee of ERMI) had performance data for the emergency department physicians, which included Dr. Boggs' performance file. Mrs. Reginelli submitted to the trial court a motion to compel Dr. Walther's performance data. The trial court subsequently issued an order granting Mrs. Reginelli's motion to compel.

Dr. Boggs, the hospital, and ERMI appealed the order, but only related to Dr. Boggs' performance file, asserting that the file is privileged as peer review.

The Superior Court affirmed the trial court's order.

In its opinion, the Superior Court acknowledged the PRPA's requirement that "proceedings and records of review committee shall be held in confidence." However, before granting the protection afforded by the Act, the court noted that the following criteria: (1) the party asserting the privilege of protection must prove that the privilege has been properly invoked; and, (2) the privilege only applies to information that remains private.

Based on this criteria, the court held that the privilege could not be granted to the hospital, ERMI, and Dr. Boggs:

(1) The hospital could not claim the privilege because the performance file was created and maintained by Dr. Walther on behalf of ERMI; the hospital could not claim the

privilege for documents it did not create or maintain.

(2) ERMI and Dr. Boggs are unable to claim the privilege because as an independent contractor, ERMI, is not an entity that is afforded protection under the Act; and

(3) Even if ERMI and Dr. Boggs were able to claim the privilege, the privilege was lost when they shared the file with the hospital.

PAMED's Legal Advocacy Effort

The Pennsylvania Medical Society (PAMED), with support from the American Medical Association (AMA), has filed an amicus brief in support of protecting from disclosure the peer review proceedings of a third-party medical provider whose employees staff a hospital under contract.

The AMA has joined the brief on its own behalf and as a representative of the Litigation Center of the American Medical Association and the State Medical Societies. The Litigation Center is a coalition among the AMA and the medical societies of each state, plus the District of Columbia, whose purpose is to represent the viewpoint of organized medicine in the courts.

The AMA is the largest professional association of physicians, residents and medical students in the United States. Additionally, through state and specialty medical societies and other physician groups seated in its House of Delegates, substantially all United States physicians, residents and medical students are represented in the AMA's policy making process. The objectives of the AMA are to promote the science and art of medicine and the betterment of public health. AMA members practice in every medical specialty area and in every state, including Pennsylvania.

Get more information online at: www.pamedsoc.org

ATTENTION Lehigh County Medical Society MEMBERS

Does your Physician Group have a Website?

Contact the Lehigh County Medical Society and have your Website linked onto the Lehigh County Medical Society Website.

www.lcmedsoc.org

Call: 610-437-2288

Pennsylvania Bill Limiting Retroactive Denials Signed into Law on Nov. 4, 2016

On Nov. 4, 2016, Pennsylvania Gov. Tom Wolf signed Act 146 of 2016, which will ban retroactive denial of reimbursement by insurers to health care providers under certain circumstances.

The legislation—originally introduced as House Bill 2241 by Rep. Karen Boback (R-117th District)—was unanimously passed by both the PA House and Senate before making its

way to the governor's desk. It will require that an insurer cannot retroactively deny reimbursement as a result of an overpayment determination more than 24 months after the date the insurer initially paid the health care provider.

There are four exceptions that authorize an insurer to retroactively deny beyond the 24-month period:

- The information submitted to the insurer constitutes fraud, waste or abuse.
- The claim submitted to the insurer was a duplicate claim.
- Denial was required by a Federal or State government plan.
- Services subject to coordination of benefits with another insurer, the medical assistance program or the Medicare program.

The new law addresses a significant pain point for many physician practices concerning the retroactive denial of health insurance claims. It is an issue that the Pennsylvania Medical Society has been working to address for several years.

The window of time that the Act will restrict this practice to is a significant improvement from current retroactive review practices. PAMED supported this compromise legislation.

For more information see www.pamedsociety.com

NOTE

**Members of the
Lehigh County Medical Society can now view the
membership roster (Physician Directory) at our
website: www.lcmedsociety.org or request a Member-
ship Roster by calling the Lehigh County Medical
Society at: 610-437-2288.**

REMEMBER

If you change your business or home address and/or phone or fax number, please notify the Lehigh County Medical Society. Call: 610-437-2288

Lehigh County Medical Society Welcomes the following New Members

Faisal A. Al-alim, MD (FSM)

3565 Clarinbridge Way E. • Center Valley, PA 18034

John H. Archer, MD (Unspecified)

4905 W Tilghman St Ste 250 • Allentown PA 18104

Amanda Kathleen Brown, MD, (AN)

4905 W Tilghman St Ste 250 • Allentown PA 18104

Matthew E. Brown, MD (DR)

1255 S Cedar Crest Blvd Ste 3600 • Allentown PA 18103

David B. Burmeister, DO (EM)

Cedar Crest & I 78 • Allentown, PA 18105

Aylin Colpan, MD (IM-ID)

1250 S Cedar Crest Blvd Ste 200 • Allentown PA 18103

Prabhakar Reddy Gundappu Reddy, MD (AN-APM)

7241 Cedar Rd • Macungie PA 18062

Joseph A Habig II, MD (FP)

798 Hausman Rd Ste 250 • Allentown, PA 18104

Mal R. Homan, MD(END)

1243 S Cedar Crest Blvd • Allentown PA 18103

Syeda Z. Jafri (Med. Student)

Kevin A. McNeill, MD (FP)

700 Hawk Ridge Dr • Hamburg, PA 19526

Andrew J. Miller, MD (Res)

LVHN Grad. Med. Education • Allentown, PA 18105

Ioana Nistor, MD (IM)

3219 Burnham Ct • Center Valley, PA 18034

Samone Elizabeth Nore, MD (PD)

17th & Chew Streets • Allentown, PA 18104

Eva Notis, (Med. Student)

Darshan B. Patel, MD (FM)

3420 Walbert Ave • Allentown, PA 18104

Nikunj Kumar Patel, MD (IM-NEP)

701 Ostrum St. Ste. 203 • Fountain Hill, PA 18015

Steven A. Scott, MD (IMG)

Cedar Crest & I-78, 3rd Floor • Allentown, PA 18105

Anita Thakkar Shah, MD (PD)

3488 Stonegate Dr • Center Valley PA 18034

Deborah A. Shalders, MD (FM-OM)

2989 Church View Rd • Coopersburg PA 18036

Karen Ann Shemanski, DO (FPS)

1575 Pond Rd • Allentown PA 18104

Diana Elena Stanescu, MD (PDE-PD)

1822 Hemming Way • Orefield PA 18069

Christine A. Talmage, MD (OBG)

701 Ostrum St • Bethlehem, PA 18015

Hina Kashyap Trivedi, DO (NEP)

701 Ostrum St. Ste 203 • Fountain Hill, PA 18015

Marie S. Wagener, DO (D)

250 Cetronia Rd Ste 301 • Allentown PA 18104

She-yan Wong, MD (GE)

1501 N Cedar Crest Blvd, Ste 110 • Allentown, PA 18104

Edgar M. Vizcaino, MD (P)

22-24 N Franklin Street • Fleetwood, PA 19522

LCMS is looking for members interested in becoming active on the Board of Trustees or on various committees. Please contact our office if you are interested, 610-437-2288 or lcmedsociety@rcn.com

The mission of the Lehigh County Medical Society is to encourage physicians and healthcare professionals to have the highest moral and ethical standards; to counsel and censure them when necessary; to serve as a strong and united voice for our Lehigh County physicians, our patients and our community; to promote healthful living and well-being and to advance the highest standards of healthcare and service in our region through education, service and advocacy.

The vision of the Lehigh County Medical Society is to be a relevant and influential leader in the Pennsylvania Medical Society; to unite our physicians and to empower them to deliver compassionate, ethical and evidence based healthcare of the highest quality and value to our community.

The Lehigh County Medical Society will accomplish its mission and its vision by the following:

Legislative Advocacy within our State Medical Society and our Government
Community Education within the Public Health Arena
Member Education, Collaborative Relationships and Collegiality
Service Activities for our members and our community

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