Dr. George Caldwell, OSMA President hosted a meeting at his home on January 20 for the third and fourth year OU medical students. Pictured from left to right are Daniel Freno, MSIII, President of the third year class, Lee Schoeffler, M.D., George Caldwell, M.D., M.P.H., and Azhar Malik, MSIII. The fourth year students shared their personal experiences on the interview process for residency programs and PLICO representatives, Blair Eischeid and Matt Clark discussed liability insurance. Thank you to Jason Miner, MSIII, the OU student representative on the TCMS Board of Directors who helped to coordinate the event. Ken King, OSMA Executive Director and Mona Wright, TCMS Executive Director encouraged the students to be an active participant in organized medicine at this critical time when it is more important than ever for physicians to have a voice in healthcare policy.

RESOLUTION DEADLINE FEBRUARY 29 FOR OSMA ANNUAL MEETING
TCMS members are advised of the official call for resolutions to be presented to the Annual Meeting of the Oklahoma State Medical Association scheduled on April 27-28 in Oklahoma City. Any TCMS member may submit a resolution on any subject of concern to the medical profession for consideration by the OSMA House of Delegates. The TCMS office must receive resolutions by February 29th to be considered officially endorsed and sponsored by the Tulsa County Medical Society. The member or members proposing the resolution must sign the resolution. The TCMS Board the TCMS caucus of delegates will review each resolution and select those for endorsement as official TCMS resolutions. The TCMS caucus of delegates to the OSMA Annual Meeting has been scheduled for Thursday, March 1 at 6:00 p.m. at the TCMS Office. The final slate of nominees for OSMA positions will be published in the March edition of Tulsa Medicine.

Stay Tuned...for details on the TCMS Presidential Inaugural and Recognition of Retired Physicians to be held in March.

PLEASE CONSIDER FILLING ONE OF THE DATES THAT REMAIN OPEN FOR DOCTOR OF THE DAY AT THE LEGISLATURE. FEBRUARY 7, 9, 13, 14, 20, 21, 23, AND 27. CALL OR EMAIL TCMS, 918-743-6184 OR tcms@tcmsok.org TO SCHEDULE.
PRESIDENT’S LETTER
“You may make a living by what you get, but you make a life by what you give.”
- Winston Churchill

I want to return to the discussion of our mission, in particular this month a cornerstone of our mission; care for the underserved or medically needy. We all do this; a lot of it. Our commitment to serving these patients is one of the qualities that distinguishes us as professionals. Did anyone go through medical school to be a “provider”? Didn’t think so. That term really rankles me, but I am digressing.

This year the TCMS Foundation is providing us with a more effective way to provide this care. The hard work of Dr. William Geffen and his board has brought PROJECT TCMS, Tulsa Charitable Medical Services, to fruition. This project will distribute, coordinate and tabulate specialty referrals from several safety net clinics. We are fortunate to have Kim Morris as the program manager. Kim has done outstanding work with the Safety Net Clinics to understand their needs. She has compiled data regarding the potential number of referrals and has identified top specialty needs in Orthopedics, Dermatology, Ophthalmology, Gynecology, Gastroenterology and General Surgery. Many thanks to “team captains” Jamie Cash, M.D., Christina Kendrick, M.D., Mark Weiss, M.D., Lynn Frame, M.D. and John Phillips, M.D. who will assist in specialty recruitment. A twelve member operations committee is meeting biweekly. Members are:

- Dr. Jamie Cash
- Dr. Lynn Frame
- Dr. John Phillips
- Dr. Felicia Lee—Medical Director, Safety Net Clinic
- Dr. Maiuri Ranchhod—Chief Operating Officer, Safety Net Clinic
- Annie Berrett-TU/Chapman Program Coordinator, Insure Oklahoma
- Caroline Coussens—Clinical Medical Services Coordinator, Safety Net Clinic
- Jessica Gomez—Nurse Manager, Safety Net Clinic
- Leslie Petty—Nurse Practitioner, Safety Net Clinic
- Melanie Roberts—Doc 2 Doc, Software Referral Management Tool
- Denise Senger—Care Management Lead, University of Oklahoma

Finally, I would be remiss if I did not thank the foundations who have so generously funded this project. Many thanks to:

- The George Kaiser Family Foundation
- The Anne and Henry Zarrow Foundation
- The Ralph and Francis McGill Foundation
- The Osteopathic Founders Foundation
- The Tulsa County Medical Society Foundation
- The Oklahoma Surgical Hospital Foundation
- The Maxine and Jack Zarrow Foundation
- The Oxley Foundation
- The Morningcrest Healthcare Foundation
- MyHealth Access Network

Thank you also to TCMS members who have made a financial contribution to this project.

I am extremely excited and proud of PROJECT TCMS! It will take all of our continued commitment to make this project successful, and I know the membership will respond in the tradition of Tulsa Medicine. I can’t think of a better Valentine to the City of Tulsa. Mr. Churchill would consider it a pretty fine Valentine to ourselves.

OSMA Lobbyists Jim Dunlap, pictured left of Dr. Brockman, and Pat Hall, pictured on the right, presented the annual Legislative Update to TCMS members on January 26th. TCMS members who serve on the Legislative Council will be reviewing more than 250 legislative bills that have been filed this year. It was noted at the meeting that one of the most significant challenges facing the legislature is development of an Oklahoma Health Insurance Exchange.
Healthcare Reform at the Supreme Court By David J. Hyman, Attorney at Law

The U.S. Supreme Court soon may reshape healthcare reform when it addresses legal questions about the new Patient Protection and Affordable Care Act ("PPACA"), the landmark federal healthcare reform law. Constitutional challenges have been raised against several of the new law’s fundamental provisions and the Supreme Court’s response to them will closely affect physicians and the financial health of American medicine. If the Court agrees with the challengers, it will doubtless derail much of the current reform effort, leaving the immense costs of uncompensated care still unmet.

Of the parts of the PPACA that have been challenged, the most contentious are the mandate that all Americans purchase financial coverage – health insurance – for essential healthcare needs, and the financial penalty under the federal tax law that will result from the failure to do so.

The law has been challenged in three major ways: (i) that Congress may not regulate inactivity such as a person’s decision not to purchase insurance coverage; (ii) that even if Congress may control inactivity, it may not do it by forcing someone to purchase something – health insurance – that he does not want; and (iii) that the charge for failing to obtain insurance is not truly a tax and therefore is not constitutionally valid. The lower federal appellate courts’ decisions on these challenges are inconsistent, so the Supreme Court decided to provide a uniform resolution to the matter.

The thornier of these challenges is the argument that Congress may not compel the purchase of health insurance. One lower appellate court held simply that Congress may not constitutionally compel a citizen to enter a market – here the health insurance market – which he did not freely choose to enter. This court reasoned that abstaining from a market is not something that affects interstate commerce, the key to constitutionality.

Other appellate courts approved the mandate, holding that its validity is not a matter of freedom to purchase insurance or not. They held that the correct focus is instead on the shape and stability of the entire national healthcare system, which is seriously damaged by the millions of dollars of care for which no one pays. These courts held that this financial load directly affects interstate commerce and assures the constitutionality of the mandate to purchase insurance. The courts generally disposed of the “activity vs. inactivity” argument by easily finding that an election not to purchase insurance is unquestionably an affirmative act that Congress may necessarily regulate.

Also, two of the lower appellate courts disapproved the insurance purchase mandate by reasoning that the payment required of non-insured persons is not a constitutionally-permitted tax, but is instead a penalty meant to punish non-compliance with the purchase mandate. The Supreme Court is expected to determine this issue, as well.

The Court will hear oral arguments on these and several other legal challenges to PPACA in March and issue its decision later in the year.

David J. Hyman practices healthcare law with the Tulsa firm of Doerner, Saunders, Daniel & Anderson, LLP. Williams Center Tower II, Two West Second Street, Suite 700, Tulsa, Oklahoma, 918-591-5350.
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