

Bulletin

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BULLETIN

Lee County Medical Society is a Virtual Operation
Mailbox address: 5781 Lee Boulevard, Suite 208-104
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239.936.1645 • www.lcmsfl.org

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LCMS DISCLOSURE POLICY

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Lee County Medical Society Mission Statement

The mission of Lee County Medical Society is to advocate for physicians and their relationships with patients; promote public health and uphold the professionalism of the practice of medicine.

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Cover image of LCMS members at recent events: Khalid Alam, MD and Mahboob Alikhan, MD, Liliana Bustamante, MD and Kelly Elleson, MD. Members are encouraged to submit photos to be considered for the Bulletin cover. Must be large format/300dpi. Email photos to marketing@lcmsfl.org

CALENDAR OF EVENTS

FRI, AUG 23rd
6:30pm - 9:30pm
LCMS Family Fun Night
Headpinz on Treeline

TUE, AUG 27th
6:30pm - 8:30pm
LCMS Women Physicians Event
Cooper's Hawk Winery & Restaurant
Sponsor: Florida Cancer Specialists

THURS, SEPT 12th
6:30pm - 8:00pm
LCMS Members Meeting
Host & Sponsor: FineMark National Bank & Trust

FRI, SEPT 13th
6:30pm - 8:30pm
LCMS Cocktail Hour
Host & Sponsor: Stevens Construction

THURS, OCT 10th
6:00pm - 8:30pm
LCMS 12th Annual Medical Service Awards
Forest Country Club

SAT, OCT 12th
8:30am - 1:00pm
LCMS 2nd Annual Golf Tournament
Forest Country Club

WED, OCT 23rd
11:30am - 1:00pm
Practice Administrators Luncheon
Locations TBD

SAT, NOV 2nd
8:00am - 1:00pm
LCMS CME Half-Day
Double-Tree at Bell Tower

FRI, NOV 8th
6:30pm - 8:30pm
LCMS Cocktail Hour
Sponsor: Precision Healthcare

THURS, NOV 6th
12:00pm - 1:30pm
LCMS Retiree Luncheon
Location TBD

RVSP to LCMS events at www.lcmsfl.org

NEW MEMBERS



Bryce Bergeron, MD
Emergency Medicine
Lee Physician Group
2776 Cleveland Ave
Fort Myers, FL 33901
239-343-2329 fax: 239-343-3695
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Abdul-Rahman Jazieh, MD
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www.leehealth.org



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Lee Physician Group
5216 Clayton Court
Fort Myers, FL 33907
239-343-2000 fax: 239-343-4258
www.leehealth.org



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Lee Physician Group
260 Beth Stacy Blvd., Ste C
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23421 Walden Center Dr., Ste 100
Bonita Springs, FL 34134
239-788-6500 fax: 239-776-2720
www.saifsleep.com



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Lee Physician Group
15901 Bass Road, Ste 102
Fort Myers, FL 33908
239-343-9890 fax: 239-343-9898
www.leehealth.org



Margeret Reiley, DO
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Lee Physician Group
23450 Via Coconut Point
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239-343-9888 fax: 239-343-4055
www.leehealth.org



Hesham A. Hassan, MD
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Fort Myers, FL 33901
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Shine Health Naples
1890 SW Health Pkwy Ste 204
Naples, FL 34109
239-522-7540 fax: 312-284-4124
www.harperhealth.com



Frances I. Romero, MD
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Bonita Springs, FL 34134
239-237-5688
www.shinedpc.com



Raechel Irons, MD
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Pediatrix Medical Group
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Fort Myers, FL 33908
239-343-5124
www.leehealth.org



Philip Leming, MD
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Naples, FL 34103
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www.naplescanceradvisors.org



Meredith Tinti, MD
General Surgery
Lee Physician Group
Gulf Coast Medical Center
For Myers, FL 33912
239-343-2052
www.leehealth.org

IN MEMORIAM

It is with profound sorrow that we announce the passing of these Lee County physicians:

LCMS Member Dr. Richard "Cherp" M. Cherpak on 5.25.24
LCMS Member Dr. Barry J. Sell on 6.21.24
Dr. Jose Francisco Perez on 7.15.2024

DIRECTORY - CORRECTION

Our apologies to Dr. Thomas Morrell. The photo next to Neurologist Dr. Thomas Morrell's listing is not him. The digital copy of the directory on the LCMS website has been corrected and includes the correct photo of Dr. Morrell, as seen below:



THOMAS MORELL, MD
Neurology
Neurology and Spine Center
10201 Arcos Avenue, Ste. 103
Estero, FL 33928
Tel: 239-949-9000 Fax: 239-949-9020
www.neurologyandspinecenter.com

NEW OFFICE LOCATIONS

Dr. Eeka Marshall has opened a new practice, 3D Women's Health, at 3949 Evans Avenue, Ste. 107, Fort Myers, FL 33901, (239) 599-7751, www.3DWomensHealth.com

Dr. Magali Van Den Bergh has relocated to Florida Oncology & Hematology, at 14543 Global Parkway, Ste. 110, Fort Myers, FL 33913, (239) 264-7026, fax (239) 567-3679, www.FloridaOnc.com

Post job openings for doctors and medical support providers, or search a database of available Lee County jobs in health at www.lcmsfl.org/jobboard

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MORE THAN REPRESENTATION! DELEGATES DRIVE DECISIONS

PRESIDENT'S MESSAGE: Scott Caesar, MD

This past month, I and several fellow LCMS members attended the annual Florida Medical Association conference as delegates.

The meeting includes multiple events that range from voting on resolutions that impact how we practice medicine in Florida to social events to meet and learn from doctors from different specialties across the state.

The most important part of the conference is the Hall of Delegates meeting on the final day. At the Hall of Delegates meeting, all resolutions that had been evaluated and scrutinized by sub-committees are extracted, brought to the floor, debated, and voted upon. This session included votes that will influence Florida medical policy in reproductive health, stances on mid level providers practicing without doctor supervision, and reimbursement for emergency room physicians accepting patients from stand-alone urgent care centers.

Once resolutions are passed, they are moved forward through multiple avenues. The FMA PAC uses the resolutions to work directly with local, state, and federal representatives to help change healthcare laws. The elected AMA delegates (also voted on at the meeting) bring the resolutions to the AMA

delegation. Some even impact the way medical school curriculums are designed and changed.

The weekend does not come without fun. Every year, the LCMS delegation has a dinner to welcome the attendees that includes way too much food and an appropriate amount of beverage. After a full session of CMEs on Saturday (8 free hours for attendees), there is a lunch with a keynote speaker. In the last few years these speakers have included Governor Desantis and other elected officials. There is also plenty of downtime to enjoy the resort with your family or colleagues in between sessions.

The annual FMA meeting is one of the events that I look forward to every year. You do not need to be a board member to be a delegate, and the LCMS board is always excited to have new attendees come, learn, and participate. If you are interested in participating next year please reach out to me, Julie, or any board member.



LIFE-LONG LEARNING IS A POSITIVE FORCE

THE RAMIREZ REPORT: Julie Ramirez, CAE, LCMS Executive Director



Today is the first day of school for my kids – one child is in middle school and the other child is in high school.

Adam Sandler’s phrase “Back to school, back to school to prove to dad that I’m not a fool” makes me laugh when I hear it around this time of the year. But, ironically, “school” should never really end for us, no matter how old we are. Summertime is my Executive Director schooling time. This summer I was blessed to have attended four conferences and learn from my peers and counterparts throughout Florida and beyond.

My first conference of the summer was the Florida Medical Associations’ PAC Board Meeting. I am not an overly political person but attending this meeting opened my legislative perspective of our state. It also proved how hard the FMA is working to ensure that doctors are positively represented to our legislators.

My other conferences were all association related. From mingling with association professionals at the state level to collaborating with Florida and nationwide Medical Society

Executives. Here are some great new skills and information I learned that will help me optimize your Society experience:

- Societies/Associations are all about connections, connecting physicians across towns, across specialties, and across cultures.
- Enemies of teamwork create distractions, division, doubt and discouragement.
- The best team is ultra connected and genuinely cares about each other. We strive to communicate, connect and care. Leadership happens in the small moments.
- Celebrate the wins! Life will beat you down. Acknowledge and encourage others, track the wins, reward others when they least expect it and seek to understand and get creative.
- Remember the Society’s Mission – it is what gives purpose and direction to all that you do. Lee County Medical Society’s Mission Statement is to *advocate for physicians and their relationships with patients; promote public health and uphold the professionalism of the practice of medicine.*

FMA DELEGATES ARE A FORCE FOR GOOD

Your delegate team at work. A delegates day is filled with meetings, discussions, deliberations, and passionate discourse. The evenings are spent examining information learned during the days and sharing the moment with fellow delegates and family supporters.



\$175 MILLION TO MEMBERS

The Doctors Company, the nation’s largest physician-owned medical malpractice insurer, part of TDC Group, announced May 30, 2024, that it has now **distributed more than \$175 million in Tribute® Plan awards to almost 14,000 members.** Founded in 2007, the Tribute Plan is an unrivaled financial benefit that rewards retiring doctors for their loyalty and dedication to superior patient care. It is the largest such benefit in the industry, and the highest individual award to date is \$264,808.

“The Tribute Plan is tangible proof of our mission to advance, protect, and reward the practice of good medicine,” said Richard E. Anderson, MD, FACP, Chairman and CEO of The Doctors Company and TDC Group. “I’m pleased that in our recent survey of members, 90 percent recognized the importance of Tribute and 90 percent expressed satisfaction with our unmatched benefits.”

Backed by the financial strength of \$7.3 billion in assets and \$2.8 billion in member surplus, The Doctors Company is able to offer this industry-leading reward without compromising its ability to protect its members’ livelihoods or pay claims. The millions of dollars that are in Tribute accounts today come from the capital of the company, not from premiums, and Tribute payments do not affect The Doctors Company’s ongoing dividend program.

ARTIFICIAL INTELLIGENCE: EMERGING ISSUES IN HEALTHCARE
AND PUBLIC POLICY

by: Remi Stone, JD, Director, Government Relations, he Doctors Company

The use of artificial intelligence (AI) in the healthcare setting and its effects on professional liability insurance are rapidly evolving. As AI technology advances and becomes more integrated into healthcare, the legislative and regulatory framework is just starting to catch up—as is always the case with new and emerging technologies.

Across the nation, public policymakers are attempting to balance the integration of AI in the healthcare environment with safeguarding positive patient outcomes.

In addition, matters relating to liability remain unsettled. The distribution of liability will likely shift as device manufacturers, algorithm developers, facility leaders, and other parties involved in healthcare choose to integrate AI into more diagnostic and treatment tools.

Causes of action involving professional, vicarious, and product liabilities may become more common in the court systems, and while we have not yet seen legislation enacted that specifically assigns AI liability or targets professional liability tort statutes, we anticipate the future will bring a deluge of bills that attempt to add clarity to this unsettled legal and public policy topic.

Nevertheless, legislation addressing traditional liability concerns increasingly touches on AI issues. AI-related proposals have addressed matters that include patient informed consent, scope of practice, admission decisions, and care plan development, as well as those focusing on more common issues involving data and patient privacy.

Some state legislatures have put forward ideas, such as banning healthcare insurers from using AI to discriminate on the basis of a patient’s race, gender, national origin, age, or disability. Other states are attempting to regulate the use of AI in diagnosing and treating patients.

For example, patient consent and scope of practice are central to legislation pending before the Illinois legislature (HB1002). One proposal would require that patients be informed and provide consent before a diagnostic algorithm is used, with patients having the option of being diagnosed without it. Any algorithm used must be certified by the state’s Departments of Public Health and Innovation and Technology and known to achieve results as accurate or more accurate than other diagnostic means. In addition, lawmakers are considering

legislation (HB 3338) that touches on scope of practice by proposing that healthcare facilities be prohibited from substituting health information technologies or algorithms for a nurse’s human judgment.

The public policy discussion at the federal level is also accelerating. Last October, President Biden issued Executive Order 14110 to promote responsible development of AI in the healthcare arena. The executive order and subsequently announced public-private partnerships with providers and payers focus on the “safe, secure, and trustworthy use and purchase and use of AI in healthcare.”¹

In February 2024, lawmakers formed the Congressional Digital Health Caucus with the goals of educating policymakers about the rapid changes in digital health

innovation, showing its potential effects on patients and the healthcare system, and ensuring that all Americans benefit from advancements.

On the international front, the European Union (EU) Parliament adopted the Artificial Intelligence Act in March 2024. The act—the first of its kind in the world— covers the 27 member EU countries with a comprehensive approach to regulating AI, including its use in healthcare. This comes on the heels of the 2022 EU report, Artificial Intelligence in Healthcare, which discussed the clinical, social, and ethical risks posed by AI in healthcare.² The report is expected to serve as a roadmap for regulating AI in healthcare as the EU builds out the Artificial Intelligence Act’s regulatory framework.

Closer to home, the American Medical Association (AMA) provides a succinct view on physician liability, patient safety, and risk management in Principles for Augmented Intelligence Development, Deployment, and Use.

As the AMA writes, “The question of physician liability for use of AI-enabled technologies presents novel and complex legal questions and potentially poses risks to the successful clinical integration of AI-enabled technologies.”³ The AMA further outlines an approach to addressing liability concerns raised by the deployment of AI in the healthcare arena:

Current AMA policy states that liability and incentives should be aligned so that the individual(s) or entity(ies) best positioned to know the AI system risks and best positioned to avert or mitigate harm do so through design, development, validation, and implementation.

continued on page 8

SPRING WOMEN PHYSICIANS

Garden
Party



REGISTER for the next
Women Physicians Event
"FINE LIKE WINE"
on August 27th

This event was generously underwritten by Markham, Norton, Mosteller, Wright & Company and Attorney Linda Minck.

DO YOU KNOW WHO IS INHERITING YOUR ASSETS?

The Importance of Beneficiary Designations

by: Read Sawczyn, FineMark National Bank & Trust

In June, I read an article in the Wall Street Journal titled “His Ex is Getting His \$1 Million Retirement Account. They Broke Up in 1989”, and it reminded me of the significance of beneficiary designations on financial accounts. The article details how in 1987 Mr. Rolison named his then girlfriend as the beneficiary on his work profit sharing plan. They broke up two years later, yet when Mr. Rolison died single and childless in 2015 she was still the beneficiary. Mr. Rolison’s ex-girlfriend from the late 80s is now pitted against Mr. Rolison’s brothers as to who should inherit the money. A court will ultimately determine who is entitled to Mr. Rolison’s \$1 million retirement account, but no one will ever know his true intentions.

insurance companies and brokerage firms allow the owner of an account or insurance policy to name a person, charity or trust that will receive the account holdings or insurance proceeds upon the owner’s death (the “beneficiary”). This beneficiary designation trumps the owner’s will and trust, if he or she has them, and the intestacy statutes of the owner’s residence. Therefore, it is imperative that beneficiary designations complement your other estate planning documents.



When you review and update your will, trust, durable power of attorney, living will and medical power of attorney, you should also review all of your beneficiary designations, especially those on accounts that have existed for many years. Such reviews should occur every three to five years or when there is a life event such as a birth, death, marriage or divorce in your family.

If you have any questions about beneficiary designations on your accounts at FineMark or anywhere else, please reach out to your Private Wealth Advisor for assistance.

DID YOU KNOW:
Beneficiary designations on certain financial accounts override what's listed in your will or trust.

While this is an extreme result caused by not keeping your beneficiary designations up-to-date, it is a good reminder that beneficiary designations should be reviewed along with other estate planning documents. To understand the importance of beneficiary designations, it is critical to understand how they work. Many financial institutions, trust companies,

ARTIFICIAL INTELLIGENCE...continued from page 6

Where a mandated use of AI systems prevents mitigation of risk and harm, the individual or entity issuing the mandate must be assigned all applicable liability.

Developers of autonomous AI systems with clinical applications (screening, diagnosis, treatment) are in the best position to manage issues of liability arising directly from system failure or misdiagnosis and must accept this liability with measures such as maintaining appropriate medical liability insurance and in their agreements with users.

Health care AI systems that are subject to non-disclosure agreements concerning flaws, malfunctions, or patient harm (referred to as gag clauses) must not be covered or paid and the party initiating or enforcing the gag clause assumes liability for any harm.

When physicians do not know or have reason to know that there are concerns about the quality and safety of an AI enabled technology, they should not be held liable for the performance of the technology in question.³

The Doctors Company, like the AMA, will continue to advocate to limit healthcare practitioner liability in the AI space and ensure that it follows the established legal framework for medical malpractice litigation. We will also continue to monitor this important issue and work to protect healthcare practitioners as AI gains momentum. To learn more about our advocacy efforts, please visit thedoctors.com/advocacy.

References:

1. Brainard L, Tanden N, Prabhakar A. The White House Briefing Room blog. 2023. <https://www.whitehouse.gov/briefing-room/blog/2023/12/14/delivering-on-the-promise-of-ai-to-improve-health-outcomes/>
2. European Parliamentary Research Service. Artificial intelligence in healthcare: applications, risks, and ethical and societal impacts. Published June 2022. doi:10.2861/568473
3. American Medical Association. Principles for augmented intelligence development, deployment, and use. Approved November 2023. <https://www.ama-assn.org/system/files/ama-ai-principles.pdf>

2nd Annual
GOLF
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October 12, 2024
8:30 AM Tee Off

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Board Certified Orthopaedic Surgeon
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239-302-3216



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2024 RESIDENCY RECEPTION PHOTOS

welcome



Clockwise from top: 1) Ryan Brown, MD with LCMS Board of Director member Jordan Taillon, DO. 2) 2024 FSU Internal Medicine Residents Kimberlee Beans, Peter Aceto, Lane Sager, Marco Calle Prado, Caroline Fretter, Berniece Johnson, Arseni Kkorochkov, Claudiu Ciuciureanu. 3) FSU Family Medicine Director Alfred GITU, MD; FSU Internal Medicine Director Dr. Maja Delabasic, MD; Jordan Tallion, DO; Lucia Huffman, MD; Jason Goldman, MD; Gamini Soori, MD; Iahn Gonsenhaus, MD; Amber Jandik, MD; Todd Lytton of FineMark National Bank & Trust. 4) FMA President Jason Goldman, MD talks with event host Tom Lytton of FineMark National Bank & Trust. 5) 2024 FSU Family Medicine Residents Majed Ammari, Hannah Ammari, Gabriela Elias, Yasmin Garcia, Mario Jacome, Eve Reid, Lathem Wojno, Anthony Whyte, Nirupam Duggirala. 6) Friends and colleagues of the 2024 FSU Residency Program participants.



residents

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The **Physician Wellness Program (PWP)** provides a safe harbor for active LCMS physicians to address normal life difficulties in a confidential and professional environment. Our program works with two independent, local psychology groups that provide member-physicians with up to six visits for calendar year 2024.

This is a confidential and free member benefit. No insurance will be billed and LCMS will not be given any personal information about those who use the program. LCMS pays a monthly bill based on the number of sessions provided. Full details on how to enroll or donate to this program can be found at www.lcmsfl.org/our-programs.
