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Lee County Medical Society

Bulletin

Physicians Caring for our Community



BULLETIN

Lee County Medical Society is a Virtual Operation
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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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LEE HEALTH SUSPENDS ELECTIVE PROCEDURES

Because of the rise in COVID-19 cases and hospitalizations, **Lee Health** is temporarily suspending some elective procedures that require an overnight stay that can be postponed without causing patient harm. Patients who need an elective outpatient surgery and who will go home the same day are not impacted by this change. The decision is necessary to safely manage the hospitals at a time when COVID-19 is spreading rapidly throughout the community, placing an extraordinary demand on its ability to manage bed capacity.



COVER IMAGE

The cover photo of a Sandhill Crane was captured by Dr. Ed Guttery.

Members are encouraged to submit photos to be considered for the *Bulletin* cover. Must be large format/300dpi. Email photos to valerie@lcmsfl.org

CALENDAR OF EVENTS

AUG 19th
7:00pm

LCMS Member Meeting

Members are invited to join a Zoom webinar by The Doctor's Company on Prevention of Medical Errors. Qualifies for CME. Zoom registration details on lcmsfl.org

SEPT 17th
6:00pm - 7:30pm

LCMS Cocktail Hour

Join colleagues for a casual meetup. Location TBA. Hosted by GenesisCare. Invites will be sent via email.

RVSP to LCMS events at www.lcmsfl.org

NEW MEMBERS



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Fax: 239-425-4798

CLASSIFIED ADS

DID YOU KNOW...

Members enjoy FREE classified ad placements!
Advertise your professional or practice needs
in the next LCMS Bulletin!

Email your Classified submissions to valerie@lcmsfl.org.

RETIRING MEMBER

The following LCMS member is retiring from practice.
We wish him all the best in the years to come.

Viswanathan Chokkavelu, MD

PROTECTING THE PROFESSION

PRESIDENT'S MESSAGE: Elizabeth Cosmai, MD

The practice of medicine is ever evolving. As physicians, we are faced with the challenge of managing our patients through various diseases, a viral pandemic, as well as constantly navigating through a sea of endless new and evolving legislation.



Every year our Lee County Medical Society (LCMS) sends delegates to the annual Florida Medical Association (FMA) Meeting in an effort to represent our medical interests at a state level. (See photos below)

Yet again, the resounding topic at this year's meeting focused on the ever expanding role (autonomy) being sought by the advanced registered nurse practitioner (ARNP), physician assistant, and pharmacist.

In July 2020, CS/CS/HB 607 was passed and signed into law by Governor DeSantis which **expanded the autonomy of the ARNP** including the ability to practice independently from a license physician as long as certain education and training criteria were met.

Additional legislative bills have been introduced for which the FMA has helped to defeat including a bill that would have allowed ARNPs and CRNAs to advertise and practice in medical subspecialties such as dermatology and cardiology UNSUPERVISED. This push for more autonomy among non-physician healthcare providers will continue.

This year alone there have been numerous legislative bills that were able to pass and will impact our practice of medicine, and unfortunately, not for the better, including the new **Florida's e-prescribing law** (HB 831), **non-opioid alternatives** (HB 451), and **Florida's telehealth law** (HB 23).

That is why we should not be complacent and we need to continue to be engaged with our own LCMS, the FMA, and also **donate to the FMA Political Action Committee (PAC) which endorses and supports political candidates who are pro-medicine**. Only through our involvement can we make a difference in the trajectory of our profession and the delivery of healthcare.

Due to the increasing cases of COVID-19 within the county, there will be some changes to our upcoming social events. The August cocktail hour will be postponed and rescheduled. The upcoming LCMS Member meeting with CME will be virtual.

In an effort to celebrate our hard work as physicians and highlight the accomplishments of our healthcare leaders and innovators, the **Annual Medical Service and We Care Awards** will currently still take place **October 9, 2021**. I encourage everyone to attend this wonderful charity event for which proceeds will go towards supporting our Physician Wellness Program. This is **OUR** night to celebrate amongst our peers and to be recognized for the essential role we play in our community.

We will plan to continue with future social gatherings in the safest way possible. Any changes to format or date of events will be communicated through our website and email. So stay tuned.

PHOTOS FROM THE FMA ANNUAL MEETING



FMA Delegates: (l-r) Dr. Elizabeth Cosmai, Dr. Joanna Carioba, Dr. Danielle Malta, Dr. Hagem Malta, Dr. Scott Caesar, Dr. Chadwick Leo, Dr. Peggy Mouracade and Dr. Shari Skinner.



LCMS Executive Director Julie Ramirez, CAE, is installed as the 2021-2022 Chair of the Conference of Florida Medical Society Executives by Past Chair Pam Irwin.

RAMIREZ INSTALLED AS STATE EXECUTIVES CHAIR

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



I am pleased to share that I was installed as the 2021-2022 Chair of the Conference of Florida Medical Society Executives while attending the FMA Annual Meeting.

This leadership role will provide me with additional opportunities to work with all the Florida Society executives to better understand and deliver the services our members seek. My CAE training taught me that if you aren't sure what your membership wants – ask them! We surveyed our four different member levels in June and had a great response rate. Thank you to everyone who shared their views. The survey results can be found on pages 6 and 7.

MEET YOUR 2021/2022 FMA BOARD OF DIRECTORS

Douglas Murphy Jr., MD, was named President of the Florida Medical Association (FMA) at its annual meeting recently. Dr. Murphy served as Past President of the FMA PAC and currently serves on the FMA PAC Board. He has been a member of the FMA's delegation to the AMA House of Delegates since 1988. He is also a Past President of the Marion County Medical Society, a Diplomat of the American Board of Obstetrics and Gynecology, and a longtime member of several other physician organizations, including the American Association of Gynecologic Laparoscopists, the Florida Obstetric and Gynecologic Society, and the Association of American Physicians and Surgeons.

The 2021/2022 FMA officers include:

- President-Elect **Joshua Lenchus, DO** – Internal Medicine, Fort Lauderdale
- Vice President **Jason Goldman, MD** – Internal Medicine, Pompano Beach
- Secretary **Lisa Cosgrove, MD** – Pediatrics, Merritt Island
- Treasurer **Charles Chase, DO** – Anesthesiology, Winter Park
- Speaker **Ashley Norse, MD** – Emergency Medicine, Jacksonville
- Vice Speaker **Mark Rubenstein, MD** – Psychiatry, Jupiter



INTRODUCING THE NEW

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2021 LCMS MEMBER SURVEY RESULTS

OVERALL

85%



Overall Satisfaction

88%

Yes

9% Not Sure
2% No

How likely are you to renew membership?

47%

Sometimes

6%

Always

34%

Rarely

12% Usually
2% Never

How often do you participate in Society activities?

60%

Social Events

40%

Physician Wellness Program

37%

Annual Physician Directory

36%

tie: CMEs & Advocacy

23%

Bulletin Magazine

15% LCMS Staff
5% LCMS Website
2% Group Health Insurance

What do you think is one of the **BEST** membership benefits we offer?

56%

Holiday Party

44%

Cocktail Hours

30%

Educational Meetings

29%

Women Physician Events

22%

tie: Annual Medical Service Awards & Family Events

16%

tie: 5K Fun Run & Residency Reception

What have been some of your favorite **Society** activities in the past 3 years?

NEW Activity Suggestions:

- Special interest activities: fishing, gardening, shooting, fitness, etc.
- Non physician-based lectures
- Family events, date night (with childcare provided)

General Comments...

- Assistance with PPE supplies was welcome and heartwarming
- Very happy with the evolution of the organization
- Love being a part of this group, great events and staff

- This year I requested dues deferral due to hardship
- The support and quick response from Julie was amazing
- I will be renewing (paid) for years to come
- I love the society! It's very active and so helpful!

RESIDENT MEMBERS

What do you think is one of the BEST membership benefits we offer?



100 % Physician Wellness Program

75 % Social Events

50 % CMEs

50 % Annual Physician Directory

96%



Overall Satisfaction

What type of information can the Society provide to you?

- Job search assistance
- CV building tips & ideas
- Coding/billing instruction for primary care
- In-person introductions to Board and members
- Instruction on compensation models (base/RVUs)
- Social media engagement

ASSOCIATE MEMBERS

67%



Overall Satisfaction

100 % How likely are you to renew membership?



What do you think is one of the BEST membership benefits we offer?

100% Annual Physician Directory 33% Local Advocacy
66% Tie: Social Events, CMEs, Group Health Insurance, Staff Assistance

RETIRED MEMBERS

Besides the Retiree luncheon and CMEs, what are your NEW activity suggestions:

- Car and coffee event
- Local boat cruise
- Art/photo exhibit
- Community/volunteer opportunities

What are the BEST LCMS membership benefits?

- The Physician Wellness Program
- CMEs
- Events promoting networking and camaraderie
- Camaraderie
- The Bulletin

60%



Overall Satisfaction

PHYSICIAN

MEDICAL SERVICE & WE CARE

AWARDS

The **Lee County Medical Society Foundation** and **United Way** are proud to host the 10th Annual Medical Service and We Care Awards. This popular public service dinner event honors both physicians and residents of Lee County by recognizing outstanding contributions to healthcare in our community. Proceeds benefit the Physician Wellness Program. Awards presented will include:

- **Non-Physician Award of Appreciation**
- **Distinguished Layperson's Service Award**
- **We Care Award**
- **Award for Citizenship & Community Service**
- **Award for Health Education**
- **Award for Leadership & Professionalism**
- **Lifetime Achievement Award**

SATURDAY, OCTOBER 9, 2021

7:00pm - 9:30pm

**Hyatt Regency Coconut Point
5001 Coconut Road • Bonita Springs**

Tickets on sale soon!

Members and Allied Business and Community Partners are encouraged to support this special event. Sponsor levels include many benefits to help you reach a target audience and start at:

Platinum Level Sponsorship (\$10,000)

Gold Level Sponsorship (\$5,000)

Silver Level Sponsorship (\$3,000)

Table Sponsorship (\$1,500)

Auction Item Donation

Full details and event updates, plus downloadable nomination and sponsorship forms and ticket information can be found at www.lcmsfl.org/Physician-Medical-Service-Awards



We Appreciate Your Referrals



From left: Nina Burt, O.D.; Sarah Eccles-Brown, M.D.; Kate Wagner, O.D.; E. Trevor Elmquist, D.O.; Yasaira Rodriguez, M.D.

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DEFERRED, DELAYED, DISRUPTED: MITIGATING RISKS FROM CARE DURING COVID-19

BY: Richard E. Anderson, MD, FACP, Chairman and Chief Executive Officer,
The Doctors Company and TDC Group

The pandemic thoroughly disrupted healthcare delivery across the spectrum of healthcare.

By mid-2020, [more than 40 percent of U.S. adults](#) had delayed medical care or avoided it entirely, including care for urgent and emergent complaints. Nearly [a third of American children](#) missed or delayed care in 2020. While many of these missed appointments will not have specific adverse outcomes, modeling predicts **more than 10,000 excess deaths over the next decade from breast and colorectal cancers alone directly attributable to care delayed or missed during the pandemic.** Estimates of the actual vs. expected total mortality rate in 2020 suggest hundreds of thousands of excess deaths beyond the documented toll of COVID-19 alone.

Risks of Litigation

We know most claims are based on poor outcomes, rather than poor care. Remaining to be answered is the question whether there be a surge in claims for delayed or missed diagnoses related to the pandemic?

We ask these questions just as many of the medical liability protections passed by the majority of states during the pandemic are expiring. New York has already allowed its protections to lapse. Further, it is possible that many plaintiffs' attorneys are waiting to file patients' claims in hopes that medicine's well-earned halo—the positive light shining on the medical profession because of heroic actions during the pandemic—will fade.

Mitigating Risks From Deferred, Delayed, and Disrupted Care

Situations most likely to lead to litigation are those in which patients themselves are acutely aware of delays. In such cases, **liability risks exist even if care was available, but the patient felt too worried about COVID-19 to be seen by a healthcare provider.** Clinicians should identify and attempt to contact such patients. Examples include patients who communicated with the practice about things like breast lumps, rectal bleeding, or chest pain, who would be acutely aware of time passing while not seeing their physician.

Now, clinicians have the opportunity to identify patients whose conditions merit priority contact. Explicitly recommending that those without medical contraindications get vaccinated not only helps slow the spread of COVID-19, but may also stop a patient from claiming that they remained unvaccinated for lack of counsel from their physician. [Invite patients](#) who have questions about vaccines to communicate their concerns.

Since risks exist even if patients did not present for care, documenting the practice's efforts to reach patients who have delayed care will reduce the likelihood of a malpractice claim.

It's not yet clear whether there will be a surge in claims related to COVID-19, but clinicians will be well served by remaining mindful of the new liability risks created by deferred, delayed, or disrupted care.

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THE PROCESS OF MEDICAL OFFICE LEASING

BY: Jared Vandersluis, CARR

Leasing medical office space is one of the most crucial financial initiatives a healthcare provider will engage in for a number of key reasons. The medical office lease is typically the second-highest fixed expense in a medical practice (next to payroll) and it represents a negotiable contract that impacts both the ability to maximize profits—via lease terms—as well as the ability to position a practice for long-term success.

There is much more to leasing medical space than simply finding a great location and negotiating terms. And while identifying a location is important, there are many nuances to evaluating an office space within a market.

When it comes to lease negotiations, it is paramount that favorable economic terms are achieved. **Since there is no standard or templated approach to negotiating a lease, and since opportunities for both the healthcare provider and the landlord vary greatly with each property option, each project is significantly different.** You must ensure you are considering the full cost of the deal, and not just comparing rental amounts. **Sometimes a higher lease rate is actually cheaper in the long run when considering the deal as a whole.**

It can be tempting to take the do-it-yourself approach when leasing medical space. To achieve the best possible terms though, it's best to hire a firm that has expertise in the medical real estate market, has a proven track record negotiating medical leases, and is connected to a team of advisors who are committed to your medical practice's success. A medical real estate advisor on your side can help you make confident decisions about your practice's real estate.

Hiring a real estate agent that is a medical real estate specialist will also help protect you from numerous common pitfalls by employing their proven strategies and improving the process of finding and negotiating space. A medical specific agent can also introduce you to industry experts who can help you with everything from insuring yourself and your practice to confirming your practice is receiving the most up-to-date tax savings available. Most importantly, a medical real estate agent will save you dozens of hours in non-billable time so you can use those hours to improve your business. Your agent should do all of this at no cost to you as real estate commissions are paid by the landlord.

Medical Letter of Intent

Once you have toured space available in the market and identified your top 3-4 property options, it's time to begin negotiations. This is done by submitting a non-binding **Request for Proposal** (otherwise known as an RFP) to the landlord of your top properties. The RFP contains a list of financial and business deal points that you request if you are to occupy the space.

The landlord will then reply with a **Letter of Intent** (LOI), which is a non-binding document. In the LOI, the landlord will counter any points that are not acceptable and, along with the lease rate, present an offer based on the terms requested. The reason for the RFP approach step is to ensure you are getting things that are imperative for your medical office which are otherwise uncommon for a "standard use."

Not only is it acceptable to negotiate terms on multiple properties, but it's in the best interest of you as a tenant. **Submitting multiple offers creates competition between landlords, ensuring you understand what other properties would be willing to offer you for your tenancy.** It also gives you confidence in knowing that you will not need to start the entire process over if one property does not work out (which does happen in commercial real estate, in both up and down markets). Finally, this approach also allows the practice owner to rest assured knowing that the best options in the market were equally evaluated before committing to a location and terms.

The letter of intent serves as a high-level agreement between the landlord and tenant prior to preparing a lease draft which will ultimately become the binding contract. Taking this approach saves both parties time and money by not getting to the legal negotiations too quickly, thus saving billable hours for what an attorney would otherwise have charged in a situation where the parties are too far off on the main business points to proceed any further.

The most common business points include but are not limited to: the name of the tenant and their intended use of the space, lease type, lease term, lease and rent commencement dates, base lease rate, common area operating expenses, exclusivity, free rent periods, annual escalations, tenant improvement allowance, signage, HVAC and electrical needs, renewal options and condition of the premises (also commonly referred to as the landlord's work).

Your medical real estate agent should gather all of the LOIs and put them into a comparison spreadsheet which takes into consideration not only the unique terms offered by each landlord, but also the remaining costs of the deal for the practice, including the cost to build out the space, cost of funds to pay for improvements, along with other important considerations. In doing so, you will obtain a clear picture for which deal makes the most sense overall. Oftentimes there are multiple rounds of negotiations to ensure that there is nothing left on the table.

Once all letters of intent are evaluated, and best and final terms are agreed to, your agent will provide a comparison of the final offers, and then you will decide which is the prevailing property. At that point, the landlord will supply a lease draft for legal review by your real estate attorney.

Medical Lease Agreements

Upon receiving a medical office lease agreement from the landlord, it's time to engage a real estate attorney to perform a lease review. Your attorney should begin with the LOI to ensure that not only did the business points make it into the lease, but that they are communicated in a way that makes them binding on both parties. Your attorney will also then review the remainder of the lease, which often includes such points as:

- **Assignability and permitted transfers**
- **Force majeure and/or pandemic clauses**
- **Maintenance responsibilities of both parties, including HVAC**
- **Subleasing restrictions (i.e., to a specialist)**
- **Personal guaranty burn-offs**
- **Death and disability**
- **Relocation (within the property)**
- **Access to the property after business hours**
- **Common area maintenance**
- **Landlord's work and delivery of the premises**
- **Liability insurance requirements**
- **Other matters pertinent to a medical office**

Medical lease agreements vary in length from ten pages to fifty pages or more. The depth of the lease is largely dependent upon the type of landlord that owns the property (e.g., an institutional landlord vs. a mom and pop owner) along with the size of the property or master-planned development. In every case, no matter how short and seemingly simple the lease is, only licensed attorneys are permitted to give a client legal advice.

Your real estate agent should not, and legally cannot, perform a legal review of your lease. It is a breach of both legal and ethical state statutes for a real estate agent to practice law. Practicing law constitutes the giving of

legal advice, including but not limited to the evaluation of a legal document (or lease) and then advising a client on potential outcomes or strategies to proceed. Bottom line, real estate licensees are not permitted to practice law.

CARR is the nation's leading provider of commercial real estate services for healthcare tenants and buyers. Every year, thousands of healthcare practices trust CARR to achieve the most favorable terms on their lease and purchase negotiations. CARR's team of experts assist with start-ups, lease renewals, expansions, relocations, additional offices, purchases, and practice transitions. Healthcare practices choose CARR to save them a substantial amount of time and money; while ensuring their interests are always first.

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MEDICAL LEASE STRATEGIES

Following these strategies will ensure that you get the best possible outcome and maximize your profits when leasing medical office space:

- 1. Understand that there are pitfalls to calling on properties without representation and avoid the temptation to do it yourself.**
- 2. Hire an expert Medical real estate broker that only represents tenants and buyers, and therefore has no conflict of interest otherwise created by agents that also work with Landlords.**
- 3. Look at all of your viable options including the possibilities of leasing or owning. Look at retail, office and stand-alone buildings. Cover all your ground and compare your top three to five options before making a decision.**
- 4. Assemble an expert team of medical advisors and vendors to help you complete your office project. Your team may include an attorney, CPA, architect, contractor, engineers, IT professional, interior designer, practice consultant, equipment supplier, financial planner, and more. Your specialized medical real estate agent can help you secure your entire team, and ensure you have the most qualified and efficient professionals working on your behalf.**



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CHANGE SERVICE REQUESTED

PHYSICIAN WELLNESS PROGRAM

The Physician Wellness Program (PWP) provides a safe harbor for physicians to address normal life difficulties in a confidential and professional environment. **It is important that we be as healthy as possible in our role as healthcare providers.** Active members can easily make an appointment by selecting a **vetted Psychologist member** at www.lcmsfl.org, and then call and identify yourself as a member of Lee County Medical Society and that you wish to utilize the Physician Wellness Program benefit. *Funded by LCMS Foundation.*

- Includes 3 free sessions each calendar year
- Is completely confidential
- Locations in both Fort Myers and Naples
- Provides 24/7 access and availability

IS IT TIME TO EXAMINE



your malpractice insurance?

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