



# OSMA News Now

The Latest News, Views, Updates, and Information for Physicians  
from the Oklahoma State Medical Association

December 8, 2006

## Physicians Receive Setback on Medical Liability Reform

The Oklahoma Supreme Court ruled this week that the Certificate of Merit provision of the 2003 tort reform law was unconstitutional. The Certificate of Merit provision had required that a plaintiff in a medical liability action obtain a written opinion from a qualified expert stating that the acts or omissions of the health care provider against whom the action is brought constituted professional negligence. This purpose of the provision was to eliminate frivolous lawsuits against physicians.

Eight of the nine justices concurred that the provision unconstitutionally applied only to people filing medical negligence claims. Plaintiffs filing any other negligence claim didn't have to comply with the provision. The Court also stated that the law created an unconstitutional monetary barrier to access to courts because a person filing the malpractice lawsuit might be required to spend between \$500 and \$5000 for an expert opinion on the lawsuit's merit.

The opinion grew out of a lawsuit filed in Okmulgee County. The OSMA had filed an Amicus Brief to try to avoid this important provision from being declared unconstitutional. The OSMA will analyze the full affects of this ruling when the court's opinion can be further studied.

### Dr. Holder to Serve as Member of the ACCME Committee for Recognition Review

The Oklahoma State Medical Association (OSMA) Accreditation Review Committee (ARC) is proud to inform all OSMA members of the recent approval of Timothy Holder, MD, Chair of the OSMA Accreditation Review Committee as a member of the Accreditation Council for Continuing Medical Education (ACCME) Committee for Recognition Review. He also serves the ACCME as a Recognition Surveyor. Dr. Holder has served on the ARC Committee since 1998 and is a Family Practice Physician from Muskogee, OK.

This is a powerful statement from the ACCME knowing that the OSMA is clearly committed to excellence in CME accreditation. This shows in the quality of CME we provide and the interest, dedication and outstanding service from one of our leading physicians to serve and participate not only as an ACCME Recognition Surveyor but also on the Committee for Recognition Review.

Our Sincere Congratulations to Dr. Holder for his service, dedication and commitment to the OSMA ARC Committee and proudly being chosen to serve as a member of the ACCME Committee for Recognition Review!

### Can You Serve as Doctor of the Day?

The OSMA schedules one physician for each day of the legislative session to staff the First Aid Station at the State Capitol Building, from 9 a.m. to 4 p.m. The Doctor of the Day program is an important way to improve and strengthen physician-legislator relations. As a doctor of the day, you will perform a valuable service by providing health care to members of the legislature and legislative employees while being able to advocate for issues important to physicians.

Tulsa County Medical Society is responsible for scheduling the month of February (918-743-6184). Oklahoma County Medical Society is responsible for April (405-843-5619). The OSMA is responsible for the month of May, please contact Emily Hall, Legislative Manager at 405-843-9571 for more information.

## OSMA HEALTH

"People You Know, Coverage You Can Trust"

In just 2 years of operation, OSMA Health has realized considerable financial stability. The OSMA Health Board of Directors continually works closely with C.L. Frates to ensure that the Plan's gains are YOUR gains. Because one of the key features of this plan is that it works for you, several benefits have been included in the High Deductible Health Plan (HDHP) for 2007:

- **Mammography** – In-Network: Deductible Waived; \$250 annual limit, changed from \$150. Out-of-Network: Deductible Not Waived.
- **Well Baby and Well Child Exams** – In-Network: Deductible Waived; 80% paid by Plan. Out-of-Network: Deductible Not Waived.
- **Pelvic Exam and PAP smear** (one per calendar year) – In Network: Deductible Waived; 80% paid by Plan. Out-of-Network: Deductible Not Waived.
- **Prostate Exam and PSA if indicated** (one per calendar year) – In-Network: Deductible Waived; 80% paid by Plan. Out-of-Network: Deductible Not Waived.

If you have any questions regarding these changes, or would like to have a presentation regarding OSMA Health, please call 1-888-244-5096.

# Happy Holidays!

from the OSMA Officers and Staff!

---  
The OSMA offices will be closed on  
Friday, December 22, Monday, December 25,  
Friday December 29 and Monday, January 1