

ECMS Council Agenda - Tuesday evening, March 18, 1980 at 8:00 P.M.

- 1- Call to order at ECMS office - Robert J. Lorello, M.D., President
- 2- Requests for Emeritus Membership were received from Anthony J. Biunno, M.D. of Short Hills (formerly of Newark), and Harrison R. Wesson, M.D. of Glen Ridge. Both are completely retired and have been members for over 20 years.
- 3- Credentials Committee - James J. Stovin, M.D., and David H. Dreizin, M.D., Co-Chairmen
- 4- Discuss Medicaid Resolution - James E.D. Gardam, M.D.
- 5- A letter was received from a member inquiring whether or not an insurance company has the right to audit a physician's medical record and charges, prior to consideration of payment of physician's bill.
- 6- Revisions to Medical-Legal Cooperation Agreement between Essex County Bar Association and ECMS.
- 7- A request was received from Dan Smiley, President of the American Medical Student Association for assistance in the form of a \$50.00 contribution to help defray cost of a student delegation to the AMSA National Convention in Philadelphia.
- 8- MSNJ Judicial Council Opinion re: Ethical Procedures in Second Surgical Opinions.
- 9- A member desires a new membership category in the MSNJ Constitution and By-Laws which would take into consideration a leave of absence due to illness.
- 10- Prudential Insurance Company revising its regulations governing their Pension Plan and the ECMS has the group plan with Pru.
- 11- ECMS Representative to Health Manpower Committee of Regional Health Planning Council.
- 12- Call for all Resolutions for MSNJ.
- 13- Report on MSNJ Board of Trustees
 - a) Committee on Long Range Planning recommendation:
 - b) New Jersey Bell Telephone directory listings
 - c) County Society problems submitted as they arise
 - d) Chapter Change - representation of specialty societies.

ANNOUNCEMENTS: 1) ECMS Annual Meeting will be held on Thursday evening May 8, 1980.

- 2) MSNJ Annual Convention at Meadowlands Hilton House of Delegates meets in Hilton Ballroom
 - Saturday afternoon, May 10, 1980 at 2:00 P.M.
 - Sunday afternoon, May 11, 1980 at 3:00 P.M.
 - Monday afternoon, May 12, 1980 at 3:00 P.M.
 - Tuesday morning, May 12, 1980 at 9:00 A.M.

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ESSEX COUNTY MEDICAL SOCIETY

EXECUTIVE OFFICE
144 South Harrison Street
East Orange, New Jersey 07018
Area Code (201) 672-1816

March 20, 1980

Mr. William P. Braun, Jr., Esq.
60 Park Place
Newark, New Jersey 07102

Dear Mr. Braun:

The enclosed copies of papers from Herbert M. Simonson, M.D. indicate that Medical Payments Processing, Inc. is requesting from him a date on which they can audit a particular medical record in his office.

This matter was forwarded to the Council of the Essex County Medical Society, and was discussed at its meeting on March 18, 1980.

The sentiment of those present strongly opposed an "in-office" audit of a physician's medical records. This could be the establishment of a very troublesome precedent. The usual procedure is for the physician to forward pertinent copies to third party payors or claim investigators, when the patient has given signed permission.

The Council decided to obtain your opinion as to the legal ramifications in this type of situation, both as to the appropriate responses of the Council to the physician, and the physician to the claims investigator.

I shall appreciate hearing from you as soon as possible.

Sincerely yours,

John R. Tobey, M.D.
Secretary

JRT/as

encls.

HERBERT M. SIMONSON, M.D. F.A.C.S.
177 IRVINGTON AVENUE
SO. ORANGE, N. J. 07079

761-7077

February 25, 1980

ORTHOPAEDIC SURGERY AND FRACTURES

Essex County Medical Society
R. W. Weierman, M.D.
Chairman, 3rd party Review
144 So. Harrison Street
East Orange, N.J. 07018

Re: Michelle Gardenier

Dear Dr. Weierman:

I am enclosing a copy of a letter requesting that I submit to an audit of my records and charges on the above named patient.

I wish to inquire of you as to the status of this company and whether State Farm Insurance Co. has the right to request this type of audit.

Thanking you for your cooperation in this matter, I am

Very sincerely yours,

Herbert M. Simonson M.D.
Herbert M. Simonson, M.D.

HMS:gc
enc.

REVISIONS TO MEDICAL-LEGAL COOPERATION AGREEMENT BETWEEN
ESSEX COUNTY BAR ASSOCIATION AND ESSEX COUNTY MEDICAL

ARTICLE I, PARAGRAPH 2, B: To promptly compensate the physician for the report if said compensation is requested and to provide such compensation in advance, if the physician so requests. The sum of Fifty Dollars (\$50.00) is agreed to be a reasonable figure for an ordinary report. An ordinary report is deemed to be one of approximately one page in length which does not require the exercise of unusual time or specialized knowledge in its preparation. It is recognized that certain reports do require an inordinate amount of time and/or particular specialized knowledge for the proper preparation of same. With respect to these reports, the physician may request a sum in excess of the above mentioned amount.

ARTICLE III, PARAGRAPH 2, E: The attorney will not use a subpoena to secure the attendance of a physician in court or for a deposition outside of court unless the physician refuses to abide by the terms of this Agreement and the client's case would be prejudiced thereby. If a subpoena needs to be issued, for technical reasons, to a physician who has agreed to appear, then the fee arrangement noted in Article III, 2F and Article IV, Paragraph I will pertain.

ARTICLE III, PARAGRAPH 2, F: Appropriate discussion should be held between physician and attorney in advance of trial as to the physician's fee. It is agreed by all parties that a reasonable charge for court testimony by a physician shall be computed at the rate of One hundred Dollars (\$100.00 per hour or fraction thereof for the time required of the physician away from his office or practice. This time charge shall include time necessary for adequate preparation as well as the time necessary for the physician to travel to and from the court room. The charge made by a physician for testimony should at all times be related to his individual qualifications and expertise and the complexity of the medical situation presented.

ARTICLE IV, PARAGRAPH 1: Depositions of physicians should be scheduled at the convenience of the physician at his office. The physician should make himself available for depositions at a reasonable time to be agreed upon by the physician and the attorney involved. A reasonable charge for the taking of depositions shall be One Hundred Dollars (\$100.00) per hour or fraction thereof for time for adequate preparation and for the time actually expended by the physician in the taking of the deposition.



MEDICAL PAYMENTS PROCESSING, INC.

Auditors and Claims Consultants

P. O. BOX 153

ORANGE, NEW JERSEY 07050

AREA CODE 201-672-2333

*Danielle
M. Swetsch*

Date- 2/6/80

Dr. Herbert Simonson
177 Irvington Avenue
South Orange, NJ 07079

Re: Michelle Gardenier
Admission: 10/7/79-1/21/80

To Whom It May Concern:

Please be advised that the above captioned account has been assigned to us by State Farm Insurance Company for the purpose of auditing the medical record and charges. This is necessary prior to consideration of payment on said bills.

Please notify me as to the status of this medical record so that we may come in to perform our audit.

I would appreciate hearing from you at your earliest convenience, as always, I remain.

Very Truly Yours,

H. Simonson



**The
Hospital
Center
at Orange**

188 South Essex Avenue / Orange, New Jersey 07051 / 201-678-1100

Orange Memorial Hospital Unit
New Jersey Orthopaedic Hospital Unit

March 13, 1980

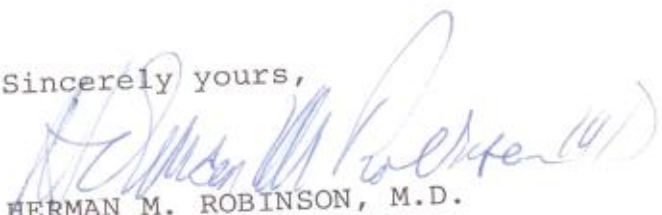
Robert G. Lorello, M.D., President
Essex County Medical Society
144 So. Harrison Street
East Orange, New Jersey 07018

Dear Dr. Lorello:

Enclosed are two resolutions I have offered to be presented before the House of Delegates of the Medical Society of New Jersey at its annual meeting in May of this year.

In keeping with the By-Laws of the Medical Society these resolutions are reaching you prior to the cut-off date for publication and introduction before the House of Delegates.

Sincerely yours,


HERMAN M. ROBINSON, M.D.

HMR:pc

Enclosure -

RESOLUTION PROPOSING A POSITION TAKEN BY THE HOUSE OF
DELEGATES OF THE MEDICAL SOCIETY OF NEW JERSEY
CONCERNING THE PRACTICE OF CHIROPRACTIC

Herman M. Robinson, M. D., Essex County

Whereas, the House of Delegates of the AMA saw fit to delete the previous blanket condemnation of Chiropractic as an "unscientific cult", and

Whereas, this deletion was based upon other than medical judgement, and

Whereas, our Code of Ethics requires the Medical Profession to speak out against unwarranted and potentially harmful modes of treatment of disease, and

Whereas, the California Medical Association has voted to revise its position as follows:

"CMA has emphasized, repeatedly, that the diagnosis and treatment of disease by practitioners attributing all such ailments to mis-alignment of the spinal vertebrae is a hazard to health.

A patient who relies on such practitioners in the treatment of ailments such as essential hypertension, heart disease, stroke, cancer, diabetes and infections may delay proper medical care until serious and irreversible damage occurs.

CMA strongly disapproves of the inclusion of such inappropriate treatment in any health care payment program."

Be it resolved that the House of Delegates of the Medical Society of New Jersey accept the CMA revision concerning its position on Chiropractic in keeping with our earnest desire to inform and protect the people of the State of New Jersey and so inform the House of Delegates of the AMA.

RESOLUTION TO REJECT THE PROPOSED REVISION OF THE CODE
OF MEDICAL ETHICS OF THE AMA

Herman M. Robinson, M. D., Essex County

Whereas, the proposed revision of the Code of Medical Ethics of the AMA is too broad and philosophical to enable the medical community to uniformly adhere to a standard of professional behavior, and

Whereas, Society has a right to expect clear and understandable bounds of ethical behavior, and

Whereas, previous judicial counsel decisions have refined the meaning of the Code of Ethics, and

Whereas, the present Code of Ethics has been tested and modified and found acceptable to a majority of physicians, and

Whereas, the largest Medical Society in the United States, the California Medical Association has rejected the revised Code of Ethics:

Be it resolved, that the House of Delegates of the Medical Society of New Jersey reject the proposed revision of the Code of Medical Ethics of the AMA except for deletion of gender.

ESSEX COUNTY MEDICAL SOCIETY

RESOLUTION

VISUAL REQUIREMENTS FOR OPERATING A MOTOR VEHICLE

Whereas, Visual Impairment is a potential cause of driving accidents; and
Whereas, Current driving standards do not address all important Visual Function, and
Whereas, Visual abilities vary with significant change in light, and
Whereas, Drivers are required to have periodic eye tests which may affect the license of many individuals and especially the elderly, therefore be it

Resolved, that the Medical Society of New Jersey endorse the position already taken by the MSNJ Eye Section at their Annual Meeting in May 1978, which voted unanimously to adopt the following visual requirements for operating a motor vehicle:

1. Minimum visual acuity of 20/50 in better eye uncorrected or with best spectacle or contact lens correction.
2. Peripheral vision should be tested.
3. No color vision test indicated.
4. No telescopic, hemianoptic or field expanding devices are sanctioned.
5. Minimum visual field should be 140 degrees when tested with 3mm. white test object at 330mms. or equivalent. And also with,
6. Limited licensure for applicants with vision of 20/50 to 20/70 in either or both eyes, but with the horizontal field of vision, should not be less than 140 degrees. (E.g. limited licensure only in daylight.)

Submitted by Gerald Fonda, M.D.

31880

ESSEX COUNTY MEDICAL SOCIETY

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Submitted by Gerald Fonda, M.D.

31880

ESSEX COUNTY MEDICAL SOCIETY

RESOLUTION

SLUDGE DUMPING - 1981

Whereas,

The House of Delegates of the Medical Society of New Jersey adopted a Resolution in May 1977 which called for cessation of sludge dumping in the so-called New Jersey bight, and

Whereas,

The date designated for ~~cessation~~ ^{such dumping to be phased out} was ~~to be~~ 1981, and

Whereas,

We recently learned that New York is attempting to overturn this 1981 deadline, therefore be it ~~that~~ ^{any}

Resolved,

That the Medical Society of New Jersey reaffirm its original Resolution of 1977 which called for the cessation of sludge dumping within the area bounded by the South Shore of Long Island to the North, Sandy Hook to Cap May to the West, and a line drawn from Montauk Point, Long Island to Cap May, New Jersey to the East. ^{by 1981. And be it further}

Res

Submitted by Daniel N. Burbank, M.D.

31880

(2)

adopted

Resolution Daniel & Barbara Inc

Sludge DUMPING - 1981

1) Whereas, the ~~MSNV~~ ^{MSNV} ~~proposed~~ ^{adopted} a resolution in ~~spring~~ ^{May} 1977 which called for cessation of Sludge dumping ~~in the so called N.Y.~~ ^{of the coast of N.Y.} ~~in the so called N.Y.~~ ^{to bright night, and}

2) Whereas, the date ~~was set~~ ^{designated} for cessation was to be 1981, ~~we recently learned that New York~~ ^{MSNV} ~~is trying to overturn this~~ ¹⁹⁸¹ ~~1981 deadline~~ ^{therefore be it}

~~reaffirm~~ ^{reaffirm} its original ~~intent~~ ^{intent} resolution of 1977 which called for the cessation of ^{sludge} dumping ~~close to~~ ^{within the} ~~shore~~ ^{area} ~~called the~~ ^{bounded by Hook Pt.}

the South Shore of Long Island to the North, ^{west} ~~to the~~ ^{Montauk Point LI} ~~from~~ ^{to the east} ~~to the east~~ ^{to Cape May}

ESSEX COUNTY MEDICAL SOCIETY

RESOLUTION

SLUDGE POLLUTION

Whereas, The State of New Jersey has been known for its clear waters, clean beaches and excellent fisheries, and

Whereas, Our bay and ocean waters have suffered from a tremendous influx of pollution in the past five years, and

Whereas, Many professional divers have reported that the ocean floor off our coast is now a desert, devoid of oxygen and consequently life, and

report 4
Whereas, *Sludge dumping is directly related to the*
~~This~~ pollutant condition has disrupted and curtailed our clamming, oystering, lobstering and fishing industries, and

report 5
Whereas, The problem of tides of dead algae threatens our bathing beaches and could affect the health of those who use our shores for business or recreation, and

report 6
Whereas, The present system of dumping of sludge close to our beaches has now become a public health menace, be it

Resolved, That The Medical Society of New Jersey initiate action against the public health problem of pollution of our New Jersey waters, and be it further

Resolved, That we work toward legislation or regulations which would quickly move the present twelve mile sludge dumping sites to 106 miles offshore until the year 1981 at which time all ocean dumping will be phased out, and be it further

report 8
Resolved, That The Medical Society of New Jersey send copies of this Resolution to designated officials of the Environmental Protection Agency, the National Oceanic Atmospheric Agency and the Department of Environmental Protection as well as other concerned government officials.

Submitted by Daniel N. Burbank, M.D.

ESSEX COUNTY MEDICAL SOCIETY

EXECUTIVE OFFICE

144 South Harrison Street
East Orange, New Jersey 07018
Area Code (201) 672-1816

January 18, 1980

TO: Charles I. Nadel, M.D.

FROM: Arthur R. Ellenberger

Dear Doctor Nadel:

Thank you for chairing the Medical Legal Committee on January 17, 1980 in lieu of Dr. Robins who was ill.

I have typed up the enclosed changes suggested by this committee. Before I incorporate them into a complete medical legal cooperation agreement revision could you consult your notes and see if these changes are correct.

cc: Bernard Robins, M.D.
Edward H. Lowell, M.D.
John E. Masterson, M.D.
Salvador A. Pedicini, M.D.
Robert J. Lorello, M.D.

Memo to Mr. Ellenberger:

Would you be kind enough to ask Dr. Nadel and other Committee members if my additional thought in Article III, Paragraph 2 E is acceptable? It is my understanding that a subpoena may be issued for a Deposition as well as an actual Court appearance. My "additional thought" is written in long-hand on the attached sheet.

Thank you for your considerations.

Yours truly,

S. A. Pedicini, M.D.

Jan 19, 1980

REVISIONS TO MEDICAL-LEGAL COOPERATION AGREEMENT BETWEEN
ESSEX COUNTY BAR ASSOCIATION AND ESSEX COUNTY MEDICAL SOCIETY

ARTICLE I, PARAGRAPH 2, B: To promptly compensate the physician for the report if said compensation is requested and to provide such compensation in advance, if the physician so requests. The sum of Fifty Dollars (\$50.00) is agreed to be a reasonable figure for an ordinary report. An ordinary report is deemed to be one of approximately one page in length which does not require the exercise of unusual time or specialized knowledge in its preparation. It is recognized that certain reports do require an inordinate amount of time and/or particular specialized knowledge for the proper preparation of same. With respect to these reports, the physician may request a sum in excess of the above mentioned amount.

ARTICLE III, PARAGRAPH 2, E: The attorney will not use a subpoena to secure the attendance of a physician in court unless the physician refuses to abide by the terms of this Agreement and the client's case would be prejudiced thereby. If a subpoena needs to be issued, for technical reasons, to a physician who has agreed to appear, then the fee arrangement noted in Article III, 2F ~~will pertain~~ and Article IV, Paragraph I will pertain.

ARTICLE III, PARAGRAPH 2, F: Appropriate discussion should be held between physician and attorney in advance of trial as to the physician's fee. No compensation should be contingent upon the outcome of the litigation. It is agreed by all parties that a reasonable charge for court testimony by a physician shall be computed at the rate of One hundred Dollars (\$100.00) per hour or fraction thereof for the time required of the physician away from his office or practice. This time charge shall include time necessary for adequate preparation as well as the time necessary for the physician to travel to and from the court room. The charge made by a physician for testimony should at all times be related to his individual qualifications and expertise and the complexity of the medical situation presented.

ARTICLE IV, PARAGRAPH 1: Depositions of physicians should be scheduled at the convenience of the physician at his office. The physician should make himself available for depositions at a reasonable time to be agreed upon by the physician and the attorney involved. A reasonable charge for the taking of depositions shall be One Hundred Dollars (\$100.00) per hour or fraction thereof for time for adequate preparation and for the time actually expended by the physician in the taking of the deposition.

or for a deposition outside of court

**MEDICAL - LEGAL COOPERATION
AGREEMENT BETWEEN
ESSEX COUNTY BAR ASSOCIATION
AND
ESSEX COUNTY MEDICAL SOCIETY**

PREAMBLE

In order to benefit the public by the smoothly functioning, cooperative effort of both physicians and attorneys working in their behalf, both the Essex County Medical Society and the Essex County Bar Association have approved a Code to serve as a guide for physicians and attorneys in their inter-related practice in the areas covered by its provisions.

WHEREAS, The members of the Essex County Bar Association and the Essex County Medical Society recognize that problems of cooperation between the medical and legal profession have arisen in connection with litigation involving personal injuries and further recognize that medical-legal cooperation is necessary to further the interests of those persons served by both professions and in order to maintain the proper attitudes of mutual respect of each of these learned professions for each other; and

WHEREAS, The Essex County Bar Association and the Essex County Medical Society have appointed their respective committees to study the aforesaid problems; and

WHEREAS, Said committees propose the following agreement as a proper one to be entered into by these professional associations.

NOW, THEREFORE, BE IT AGREED:

ARTICLE I

Medical Reports

1. Physicians' Duties

A. To provide adequate information to the attorney requesting the same concerning the patient, including results of examination, diag-

nosis, tests, prognosis and up-to-date bill for services rendered.

F To supply such a report within a reasonable time after the same is requested.

G To provide supplemental reports when there is any significant change in the patient's condition or when requested by the attorney after a reasonable length of time has expired following a prior report.

2. Attorneys Duties

A. To provide the physician with an authorization signed by the patient permitting the physician to divulge the requested information to the attorney.

B. To promptly compensate the physician for the report if said compensation is requested and to provide such compensation in advance if the physician so requests. The sum of Fifteen Dollars (\$15.00) to Thirty five Dollars (\$35.00) is agreed to be a reasonable fee for such report, in the ordinary case, the amount dependent upon the time consumed in preparation of the report and the specialized knowledge transmitted therein. It is agreed that the physician may request a sum in excess of Thirty-five Dollars (\$35.00) in an extraordinary case justifying such a fee.

TO BE REVISED TO

ARTICLE I, PARAGRAPH 2, B: To promptly compensate the physician for the report if said compensation is requested and to provide such compensation in advance, if the physician so requests. The sum of Fifty Dollars (\$50.00) is agreed to be a reasonable figure for an ordinary report. An ordinary report is deemed to be one of approximately one page in length which does not require the exercise of unusual time or specialized knowledge in its preparation. It is recognized that certain reports do require an inordinate amount of time and/or particular specialized knowledge for the proper preparation of same. With respect to these reports, the physician may request a sum in excess of the above mentioned amount.

ARTICLE II

Conferences Between the Attorney and the Physician

1. It is agreed that it is mutually advantageous for the physician and attorney to confer in reference to a particular case prior to the time of trial.

2. Such conferences should be arranged at the physician's office, and arrangements should be made a sufficient time in advance of the trial so that the conference may be fitted into the schedule of the attorney and the physician. The physician may make a reasonable charge for the conference. This charge should be paid promptly by the attorney and should not be contingent upon the success of the litigation.

ARTICLE III

1. Both parties recognize that there is a necessity for the dissemination of information to both professions concerning the time problems involved in court testimony. The Medical Society recognizes that the legal profession faces calendar problems, which include the uncertainty of dates in a fluid trial calendar. The Bar Association likewise recognizes that the physician's appointments are made in advance and that physicians are in addition, faced with pressing medical problems which cannot be deferred. At all times the attorney and the Court should make every effort to accommodate the physician with respect to both his operating room and office schedules.

2. Attorney's Duties.

A. The attorney should write to the physician immediately following the assignment of the trial to advise the physician of the proposed trial date.

B. The attorney should keep the physician's office advised of the status of the calendar and should telephone the physician's office on the day prior to the proposed trial date to advise of the likelihood of the case being reached.

C. **Physicians should be kept "on call" and should be given at least two hours notice of the time when they will be required to appear at the Court House.** Physicians should not be asked to appear until attorney is reasonably certain that they will not have to remain at the Court House more than a short period of time before being allowed to testify. When physician enters Court Room, he shall, through a court attendant, make his presence known to the attorney trying the case. Attorney shall endeavor to put the physician on the stand as soon as possible after his arrival in the Court Room subject to the orderly and proper presentation of the case.

D. In the event of settlement prior to or during trial, the physician should be immediately notified of the fact that the case has been settled so that his schedule is not interfered with to an excessive extent. If the physician does appear in Court even though the

matter may be settled, he should be paid a reasonable sum for the loss of his time.

E. The attorney should not use a subpoena to secure the attendance of a physician in court unless the physician refuses to abide by the terms of this Agreement and the client's case would be prejudiced thereby.

TO BE REVISED TO

ARTICLE III, PARAGRAPH 2, E: The attorney will not use a subpoena to secure the attendance of a physician in court or for a deposition outside of court unless the physician refuses to abide by the terms of this Agreement and the client's case would be prejudiced thereby. If a subpoena needs to be issued, for technical reasons, to a physician who has agreed to appear, then the fee arrangement noted in Article III, 2F and Article IV, Paragraph I will pertain.

F. Appropriate discussion should be held between physician and attorney in advance of trial as to the physician's fee. No compensation should be contingent upon the outcome of the litigation. It is agreed by all parties that a reasonable charge for court testimony by a physician is between One Hundred and Fifty Dollars (\$150.00) and Three Hundred and Fifty Dollars (\$350.00). The charge anticipates a full one-half day session in Court. The charge made by a physician for testimony should at all times be related to his individual qualifications and expertise and the complexity of the medical situation presented.

TO BE REVISED TO

ARTICLE III, PARAGRAPH 2, F: Appropriate discussion should be held between physician and attorney in advance of trial as to the physician's fee. It is agreed by all parties that a reasonable charge for court testimony by a physician shall be computed at the rate of One hundred Dollars (\$100.00 per hour or fraction thereof for the time required of the physician away from his office or practice. This time charge shall include time necessary for adequate preparation as well as the time necessary for the physician to travel to and from the court room. The charge made by a physician for testimony should at all times be related to his individual qualifications and expertise and the complexity of the medical situation presented.

3. Physician's Duties.

A. The physician has an obligation to give testimony regarding his patient in court. If the physician undertakes the care of a patient, and litigation ensues, the physician is duty bound to testify as to the medical condition of that patient, subject to the provisions of this Agreement.

B. When given adequate notice of the time at which he will be called upon to testify, the physician should make himself available at that time, unless an emergency situation arises which precludes his appearance. If the physician is unavailable, he should immediately notify the attorney of said unavailability.

ARTICLE IV
Depositions

1. Depositions of physicians should be scheduled at the convenience of the physician at his office. The physician should make himself available for depositions at a reasonable time to be agreed upon by the physician and the attorneys involved. A reasonable fee for an average deposition is One Hundred Dollars (\$100.00).

TO BE REVISED TO

ARTICLE IV, PARAGRAPH 1: Depositions of physicians should be scheduled at the convenience of the physician at his office. The physician should make himself available for depositions at a reasonable time to be agreed upon by the physician and the attorney involved. A reasonable charge for the taking of depositions shall be One Hundred Dollars (\$100.00) per hour or fraction thereof for time for adequate preparation and for the time actually expended by the physician in the taking of the deposition.

ARTICLE V

Infant Settlements

1. Physicians recognize that the Rules of Court provide that a physician's statement or affidavit may be submitted in lieu of his testimony in any case in which a settlement of an infant's claim is presented to the court for approval.

2. Whenever possible, the attorney should complete the statements from information previously submitted to him, by the physician. Where such information is not sufficient, the treating physician will supply sufficient information for the completion of the statement.

3. The physician should execute such statement or affidavit promptly after his receipt of the same.

4. If the physician has received a fee for the submission of his reports previous to the execution of the statement, there should be no further charge for the execution of the statement or affidavit. If no charge has been made at the time of submission of the statement, the physician is entitled to make a charge for the same in accordance with the Schedule set forth in Article 1 above.

ARTICLE VI

1. It is suggested that every attorney include in his retainer the following sentence: "I authorize my attorney to pay all my medical bills, including hospital, nurses, doctors and the like, on my behalf, in the event of a recovery or a settlement from my share of the recovery." In the event that such a phrase appears in the written retainer, it is the attorney's duty to ascertain the amount of the doctor's bill and to see to the payment of the same out of recovery, whether by verdict or settlement, irrespective of whether a lien has been filed. If there is no such provision in the retainer agreement with respect to the authorization for payment of medical bills by the attorney, then the attorney should at all times urge the client to pay all outstanding medical bills. If there is a fund available for payment of medical bills, such as medical pay-

ments, medical insurance, Blue Cross, Blue Shield, etc., the attorney should urge the client to pay the physician out of the proceeds of said fund as soon as they are received.

2. In the event of a dispute between the patient and physician as to the amount of bill, the attorney representing plaintiff shall not take part in either side of the dispute and shall retain entire amount claimed by physician in his trust account until controversy is settled or disposed of, provided the phrase contained in paragraph 1 above is in a written retainer.

3. In the event that a patient has failed to pay his bill, the physician is entitled to demand from the patient an assignment of that part of any judgment or recovery which he may receive which will be sufficient to pay the physician's bill. The physician may demand such an assignment as a condition to supplying any reports or appearing for expert testimony.

ARTICLE VII

Sanctions

1. The Medical-Legal Cooperation Committee, shall be composed of five (5) members of each of these associations.

2. Any physician or attorney aggrieved with the conduct of a member of the other profession in relation to a matter arising under or related to the terms of this Agreement may make a complaint in writing to said committee by forwarding a letter detailing the nature of the complaint to either of the co-chairmen of this committee.

3. Said committee shall inquire into the merits of the complaint and may request further information from either of the parties involved. Said Committee may attempt to negotiate and arbitrate the dispute.

4. If the dispute cannot be arbitrated in a manner satisfactory to all parties concerned, this committee may, by majority vote, issue its opinion passing upon the conduct involved as proper or improper, as the case may be, and may further make a recommendation for censure to the Essex County Bar Association

in the event an attorney's conduct is disapproved or the judicial committee of the Essex County Medical Society if a physician's conduct is disapproved.

ARTICLE VIII

Social Relations

1. It is agreed that both societies shall endeavor to hold a joint social meeting at least once a year to foster and improve personal relationships between the two professions.

2. Both societies agree that they will expend efforts to explore further areas of cooperating between them, including the offering of seminars, lectures, etc., which will be instructive to the members of either or both societies.

IN WITNESS WHEREOF, the parties affix their seals this 10th day of May 1973

ESSEX COUNTY BAR ASSOCIATION

By William L. Kirchner
William Kirchner, Esq., President

By Richard J. Badolato
Richard J. Badolato, Esq., Secretary

ESSEX COUNTY MEDICAL SOCIETY

By Arthur Bernstein
Arthur Bernstein, M.D., President

By Frank X. Watson
Frank X. Watson, M.D., Secretary

Memorandum to Contractholders of Prudential
Group Retirement Income Program Contracts

January 7, 1980

On November 30, 1979 you were mailed a notice of amendments to your Fixed Dollar Annuity contract and a copy of the notice that was sent to the participants. Enclosed are the following additional items:

- (1) A detailed description of the changes that will be sent to each participant, including a description of the conversion election available to each participant.
- (2) A sample of the election form that each participant is being asked to complete and return to Prudential by March 1, 1980.

As you will note, each participant will have the opportunity to elect to convert his Fixed Dollar Account balance from the present Current Interest Rate basis to the new Account Rate of Interest basis retroactive to November 30, 1979. If the participant makes an effective election to convert by March 1, 1980, the negative adjustment made to the Fixed Dollar Account on December 1, 1979 will be restored. However, individual participant elections will be effective only if you and the employer of such participant agree to permit the election. Therefore, please check one of the boxes shown below, sign the form and return it to Prudential's Group Pension Office in Florham Park, New Jersey by March 1, 1980.

Yes, we agree to permit participants to elect conversion of their existing Fixed Dollar Account balance to the Account Rate of Interest basis effective March 1, 1980. (Note: your consent as contractholder will be effective only if the employer of such participant also agrees to permit the election.)

No, irrespective of what the employers or participants decide, we will not permit participants to elect conversion of their existing Fixed Dollar Account balance to the Account Rate of Interest basis. We understand that, as a result of our checking this box, any elections by participants to convert their Fixed Dollar Account balance from the Current Interest Rate basis to the Account Rate of Interest basis will be void.

Please return this form to Prudential before March 1, 1980. If it is not returned by then, the effect will be the same as if you have checked the "Yes" box.

Date _____

Signature Charles D. Radl, Jr.

Contractholder Name _____

Name (please print) _____

Contract Number GA- _____

Title _____

phoned David Blankstein 1/31/80. He stated there was no need to return this unit as it is automatic

ESSEX COUNTY MEDICAL SOCIETY

APRIL 10, 1980

MEMBERSHIP BALLOT

YES	NO	ACTIVE	STATE LICENSE	COUNTY REGISTRATION
		Apuzzio, Joseph J., 1005 Fanny St., Elizabeth, N.J. Medical School, Newark, Rec. by Drs: J. Sama, M. Devanesan	1974	1974
		Chen, Zeng-Shan, 22 Roosevelt Ave., So., Parsippany, Taipei Med. College, Taiwan, Rec. by Drs: S.Sun, G. Cheng	1976	1980
		Correa, Alonso V., 63 Essex Ave., Montclair, Javeriana Univ., Bogota, S.A., Rec. by Drs: F.Wood, J.E. Masterson	1974	1979
		Origlieri, Anthony, 180 Harrison Ave., Roseland, Creighton Univ., of Med., Nebraska, Rec. by Drs: F. D'Anna, H. Nussbaum	1979	1979
		Pons, Julia F., 550 Mt. Prospect Ave., Newark, Complutense Univ. of Madrid, Spain, Rec. by Drs: R. Gomez, R. Burgaleta	1977	1977
		Strauchler, Irving, 100 Bergen St., Newark, Albert Einstein Coll., N.Y., Rec. by Drs: S. Feinsod, C. Haycock	1976	1978
		Schweiger, Frederick M., 877 Broad St., Newark, Univ. of Caldas, Colombia, S.A., Rec. by Drs: H. Kaminetzky, G. Frisoli	1976	1979
		Thomas, Montrae C., 144 So. Harrison St., East Orange, CMDN-N.J. Medical School, Newark, Rec. by Drs: A. Pinderhughes, R. Jenkins	1978	1979

COPY FOR YOUR
INFORMATIONOPINION OFTHEJUDICIAL COUNCILREETHICAL PROCEDURES IN SECOND SURGICAL OPINIONS

OFFICIALLY ADOPTED JANUARY 23, 1980

Several concerns have been expressed to the Judicial Council by the Judicial Committee of the Union County Medical Society in regard to second surgical opinion programs.

The First Issue Involves the Propriety of the Second Physician Verifying that Surgery is Necessary and then Performing that Surgery at the Request of the Patient.

Assuming that the second surgeon has not acted improperly or exerted undue influence, the Council finds that there are no absolute barriers to prevent the second surgeon from performing the surgery. Freedom of choice of the patient along with trust implicit in the physician-patient relationship are controlling factors. The second surgeon does, however, have an ethical obligation to notify the referring surgeon that he will be performing the surgery at the patient's request.

The Next Issue Involves the Situation Where the Second Physician, By Attitude or Conversation, Implies that He is Better Qualified than the Initial Physician or that the Patient has Thus Far Not Been Properly Treated.

The Council finds that such conduct would be the patent solicitation of patients, which is clearly unethical and potentially violates N.J.A.C. 13.35 - 6.13 which prohibits solicitation of patients and claims of professional superiority.

Proposed Budget for ECMS year ending April 30, 1981

ESTIMATED INCOME AT SAME DUES AS LAST YEAR: (\$85)

Membership dues (1,455).....	\$123,675
Application fees.....	350
Phone service fee.....	600
Interest and/or MSNJ Commissions.....	3,500
Fee for collection of AMA dues.....	3,600
	<u>\$131,725</u>

Estimated total income.....\$131,725

ESTIMATED EXPENSES:

Meetings and Dinners.....	\$ 5,000
Conventions and Conferences.....	6,000
Public Relations.....	2,500
Bulletins.....	7,000
Future Physicians Club.....	600
Compensation of Staff.....	77,000
Pension Plan.....	15,000
Rent.....	17,500
Legal & accounting.....	2,500
Postage.....	5,500
Stationery and Printing.....	5,000
Telephone.....	1,500
Payroll taxes.....	3,000
Hospitalization Insurance.....	2,500
Affiliation Expense.....	400
Miscellaneous Expenses.....	700
Furniture & Machines.....	1,000
	<u>\$152,700</u>

Estimated total expenses.....\$152,700

Estimated Expenses over income.....\$20,975.00
General Fund Reserve..... 34,745.03



MEDICAL
SOCIETY
OF NEW JERSEY

EXECUTIVE OFFICES □ TWO PRINCESS ROAD, LAWRENCEVILLE, NEW JERSEY 08648 □ TELEPHONE 609-896-1766

March 1980
Council

March 18, 1980

John R. Tobey, M.D.
Secretary, Essex County
Medical Society
144 South Harrison Street
East Orange, New Jersey 07018

Dear Doctor Tobey:

I have your letter of March 14, 1980, related to the American Medical Student Association.

Since the admission of students to the AMA, and the formation of the Medical Society of New Jersey Student Association our Society no longer maintains liaison with the AMSA.

I hope this is of some assistance.

Sincerely yours,

Vincent A. Maressa
Executive Director

VAM/kb

Phoned Mr. Maressa's office. Was informed that a letter has been sent that states --since the admission of students to the AMA and the formation of the Medical Society of New Jersey Student Association, MSNJ no longer maintains a liaison with the AMSA.

ESSEX COUNTY MEDICAL SOCIETY

EXECUTIVE OFFICE

144 South Harrison Street
East Orange, New Jersey 07018
Area Code (201) 672-1816

March 14, 1980

Mr. Vincent Maressa
Executive Director
Medical Society of New Jersey
2 Princess Road
Lawrenceville, New Jersey

Dear Mr. Maressa:

We have received the enclosed letter from Dan Smiley of AMSA and we request clarification as to whether or not this is an organization we should sponsor.

We understand that this group may be a splinter group, at odds with the AMA, according to remarks made at your Board of Trustees meeting in February.

Are there two conflicting student groups at the CMDNJ-Newark campus?

Sincerely yours,

John R. Tobey, M.D.
Secretary

JRT/lcr
Enc.

AMERICAN MEDICAL STUDENT ASSOCIATION



NEW JERSEY MEDICAL SCHOOL
100 Bergen Street
Newark, New Jersey 07103



February 7, 1980

Mr. Arthur R. Ellenberger
Essex County Medical Society
144 S. Harrison Street
East Orange, N.J. 07018

Dear Mr. Ellenberger:

I am writing to you on behalf of the New Jersey Medical School chapter of the American Medical Student Association. We are planning to send a delegation of students to the AMSA National Convention this March in Philadelphia. In order to help defray the cost of attendance we would greatly appreciate your financial assistance in the form of a fifty dollar contribution.

The students who, with your help, were able to attend last year's convention in Colorado found it to be a valuable addition to their education as well as an opportunity to exchange ideas on many facets of medicine with their colleagues. As a result of their attendance our AMSA chapter has planned several seminars dealing with the subject of alternatives in Medical care.

Based on the success of last year's convention and because we would like to extend this opportunity to include even more students we are again requesting your assistance.

Sincerely,

Dan Smiley

Dan Smiley
AMSA President
NJMS '83

MEDICAL SOCIETY OF NEW JERSEY STUDENT ASSOCIATION

Leonard Bielory
 Medical Student Liaison

Report To: Board of Trustees
 Meeting: February 17, 1980
 Subject: Monthly Report

1. - Student membership has remained constant since last month.
2. - The issue of the State Society paying for the AMA dues of medical students was presented to a small number of second-year students. Most students were in favor of this plan. Those who were not expressed concern for adding students who do not care about organized medicine. It was felt that these uninterested students would serve as dead weight and would drop out of the AMA after graduation, thereby wasting the money invested in their dues.
3. - Elections for new officers of MSNJSA are planned for later this month. Those elected at this time will take office following the annual meeting in May.
4. - The question of whether osteopathic physicians should be allowed to use "M.D." as their title was presented to a small number of second-year students. All students polled expressed the opinion that the "M.D." is an academic degree, as is the "D.O.", and that only the specific degree earned should be allowed. A generic "M.D.", encompassing allopaths and osteopaths, should not be permitted.

20,000 students & residents belong to the AMA.

"Am Med Students Assn" → 8-10 yrs ago separated from AMA
 (left "unhappy")

NOTE → (X) now called "AmSA" → mailing to County Medical Society
 for financial support.
Not connected with "organized medicine".

ESSEX COUNTY MEDICAL SOCIETY

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AMSA President
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