2006 Annual Meeting

OHIO CHAPTER
AMERICAN COLLEGE OF SURGEONS
MAY 9-10, 2006
The Westin Great Southern Hotel
Columbus, Ohio

Also Inside:
Member Spotlight: Dr. Jeffrey S. Palmer, MD, FACS, FAAP
Legislative Update
Revisit 2005 Ohio Chapter Legislative Efforts
Medical Liability Reform Progress in Ohio
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2005-2006 Executive Committee

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Pulse is the official publication of the Ohio Chapter, American College of Surgeons. It is published four times a year in Columbus, Ohio as a benefit of membership and circulated free of charge to Ohio Chapter members.

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The Council of the Ohio Chapter of the American College of Surgeons continues to be involved with its advocacy work. Through our lobbyist, we continue to monitor all legislation affecting surgeons that has been proposed or will be proposed. We continue to contact legislators regarding our position on proposed bills and to keep the membership updated through Pulse. Dan and Belinda Jones, with our consulting firm, Capital Consulting, have done an excellent job for the Chapter. The national College of Surgeons continues to work in Washington through the surgeons PAC. With the proposed significant reduction in Medicare reimbursement, I encourage all members to contribute to both the national and state PACs.

The Chapter’s Annual Meeting has been finalized in Columbus on May 9 and 10, 2006. It will once again feature a day of advocacy at the Statehouse with a legislative reception in the evening and a second day of education on state of the art surgical issues. The resident essay program chair, Brian Jones, has also arranged a separate program for the residents, and we encourage you to promote resident attendance. Young surgeons are the lifeblood of our organization. I am trying to get young surgeons active in the Chapter and will place them on committees and even committee chairs in an attempt to revitalize the Chapter. If you are interested or know of anyone who would like to serve the Chapter, contact the Chapter Executive Office or me.

The Annual Meeting this year will also feature Dr. Paul Collicott, director of Chapter Services. He will present an update on all the benefits of membership in the American College of Surgeons with particular emphasis on the new web portal. The Ohio Chapter remains strong and active, and we encourage your attendance at our meeting in Columbus in May.

Ohio Chapter, ACS Past Presidents

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<tr>
<th>Past President</th>
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<td>Edwin Ellison, MD</td>
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<td>Robert T. Allison, MD</td>
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<td>Byron G. Shaffer, MD</td>
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<td>Jack W. Cole, MD</td>
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<td>Berton M. Hogle, MD</td>
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<td>Franklin L. Shively, Jr, MD, FACS</td>
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<td>Stanley O. Hoerr, MD</td>
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<td>Tom E. Lewis, MD, FACS</td>
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<td>Walter A. Hoyt, Jr, MD, FACS</td>
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<td>Warren Wendell Green, MD</td>
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<td>Stephen Ondash, MD</td>
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<td>Richard Zollinger, MD</td>
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<td>Tom Morgan, MD</td>
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<td>C. William Loughry, MD</td>
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<td>Miles Flickenger, MD</td>
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<td>Mary M. Martin, MD, FACS</td>
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<td>Charles Lovingood, MD</td>
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<td>P.J. Robechek, MD</td>
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<td>Tom Kelly, MD</td>
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<td>Robert P. Hummel, MD, FACS</td>
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<td>Roland A. Gandy, Jr, MD, FACS</td>
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<td>Robert K. Finley, Jr, MD, FACS</td>
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<td>Larry C. Carey, MD</td>
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<td>Robert M. Zollinger, Jr, MD, FACS</td>
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<td>Sterling W. Obenour, MD, FACS</td>
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<td>Rex K. Whiteman, MD</td>
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<td>Richard B. Reiling, MD, FACS</td>
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<td>John Peter Minton, MD, FACS, PhD</td>
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<td>Richard B. Fratianne, MD, FACS</td>
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<td>Lawrence H. Linder, MD, FACS</td>
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<td>Sidney F. Miller, MD, FACS</td>
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<td>Ezra Steiger, MD, FACS</td>
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<td>G. William Parker, MD, FACS</td>
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<td>Mark A. Malangoni, MD, FACS</td>
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<td>Margaret M. Dunn, MD, FACS</td>
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<td>Michael S. Nussbaum, MD, FACS</td>
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<td>Robert E. Falcone, MD, FACS</td>
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<td>E. Christopher Ellison, MD, FACS</td>
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<td>Michael E. Stark, MD, FACS</td>
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It is with great pleasure that I assume the role of editor of Pulse. The newsletter has developed into a comprehensive and informative source for Ohio surgeons of all surgical specialties. As the new editor, I plan to maintain the high quality of the official publication of the Ohio Chapter. The newsletter, published quarterly, will continue to provide news from the American College of Surgeons and our Chapter in a concise manner in order to keep our members up-to-date.

New sections are planning to be added to Pulse in order to further enhance the information provided in our newsletter. One of the sections will be a highlight of innovative Ohio surgeons and their unique surgical techniques. This will allow other members to learn about and appreciate the quality and forward thinking of the surgeons within our Chapter. We have several members we plan to highlight, but please do not hesitate to contact the Chapter’s Executive Office, if any reader believes that a specific surgeon should be acknowledged in future issues.

This issue of Pulse has several interesting articles. The use of robot-assisted laparoscopy for bladder surgery is discussed in Chapter News. The agenda for the Annual Meeting of Ohio’s Cancer Liaison Physicians is reviewed in Cancer Committee Report. SB 88, which involves the establishment of a pilot program mandating arbitration for claims of medical negligence prior to the filing of a complaint, is described in Legislative Update. Several tort reforms that have recently passed, including the requirement of insurance companies to notify physicians in a timely manner of major changes in their policies, are explained in Medical Liability Reform Progress in Ohio. Furthermore, Drs. Valeriy Moysaenko, Aaron Bleznak, and Jon Greif were recently recognized by the Committee on Cancer Liaison and their accomplishments are noted in From the College.

Also, included in this issue is a 2006 membership application. Membership to the Chapter is an essential component to the continued success of our organization. We provide this application in order to simplify the renewal and recruitment process.

I am privileged to serve as the editor of Pulse and look forward to continuing to serve the Ohio Chapter.
What a great time of year! It is a new year and everything is in full swing to implement the Ohio Chapter Annual Meeting. I always love this time of year because we gear ourselves up to hold our annual event where we have an opportunity to actually see and visit with members.

As with most associations, education is such an important component of our service to members, and our Annual Meeting is the pinnacle of this learning. That is why it is now FREE for Ohio Chapter Fellow members to attend the Annual Meeting. With many legislative battles to fight, Ohio Chapter members can begin to make a difference at the Annual Meeting. With your event, the details have been finalized, the brochure is out, and the information is online. Registrations are already coming in strong!

New for 2006, we are introducing a Resident Meeting on Practice & Business Issues for Surgical Trainees. This session is designed to give the surgical trainee a basic understanding of the overall healthcare market and three areas that are of practical value to surgical practitioners.

To highlight some of this year’s activities and sessions:
- Ohio Oration by Paul E. Collicott, MD, FACS, Director, Division of Member Services, American College of Surgeons
- Quality, Error Reduction, Patient Safety
- State of the Art Lectures
- Legislative Reception & Statehouse Visits
- Trauma Breakfast
- Annual Meeting of Ohio Cancer Liaison Physicians
- Ohio Committee on Trauma Meeting
- Resident Essay Contest
- Exhibits

So visit the Ohio Chapter website at www.ohiofacs.org. Once there, you can register, print off a copy of the brochure, or just view all the details of the event. You don’t want to miss this one because our Annual Meetings just keep getting better and better – relevant and timely topics, great speakers, more participants, and wonderful locations.

I look forward to seeing you there!
Physicians at The Ohio State University's Arthur G. James Cancer Hospital and Richard J. Solove Research Institute are turning to an unlikely source for help in the delicate processes involved in bladder cancer surgery: a refrigerator-sized robot with arms of steel.

Robots are frequent partners in prostate cancer surgery at Ohio State, but a new procedure in September 2005 marked the first time clinicians at Ohio State have used one to perform a radical cystectomy.

Dr. Vipul Patel, director of robotic and minimally invasive urologic surgery at Ohio State, said a robot offers patients the advantage of tiny, computer-directed instruments that enable the precise and delicate suturing a cystectomy requires. He said it's easier on surgeons, too, because it relieves the stress of standing long hours at the operating table, and offers a clearer, magnified image of the surgical site.

That may be beneficial for the 63,000 people in the country who are expected to develop bladder cancer this year. Not everyone who is diagnosed with the disease will need extensive surgery -- if detected in its earliest stages, bladder cancer is treated simply by slipping a slender tube up through the urethra and "scooping" out any malignant growth, a process that's often followed by laser treatment or burning the base of the tumor to get rid of any cancer cells that might have been missed.

But if the cancer has advanced into surrounding tissue -- and Patel said that's the case in about a third of all cases -- then the entire bladder must come out. Under the older, traditional method, a cystectomy would typically take two to four hours. The surgeon would stand and operate at the table, initially making a large incision that could lead to the loss of up to two liters of blood. In men, a cystectomy also involves removal of the prostate gland; in women, it also means taking out the uterus and a part of the vagina. In contrast, Patel said a robotic-assisted laparoscopic approach is easier for both the patient and the surgeon. Using robotics, the surgeon sits at a console near the patient and accesses the surgical site using robotic "arms" tipped with computer-guided, miniaturized instruments.

"The robot has several centimeter-sized instruments that can turn and twist in exactly the same way your hands can, and it means we can get into small spaces, suture and tie much more precisely," Patel said.

Patel said robotic-assisted processes cut surgical time in half, involve much less blood loss, and rarely require transfusions. The patient is often up and about within a day or two because the surgery is accomplished with just a few keyhole-sized incisions and miniaturized instruments, rather than a major incision in the abdomen. Patel, who has taught robotic surgery around the world, said robots are being increasingly used in an expanding menu of surgical options. He notes that its less-invasive process also opens the door to surgery for people who might not otherwise have been candidates for surgery in the past -- patients who object to blood transfusions on religious grounds, for example, or others who have previously existing heart or lung problems.

According to the American Cancer Society, the incidence of bladder cancer has remained stable over the past decade, although men are four times more likely to develop it than women. Smoking remains the greatest risk factor for the disease, with smokers developing bladder cancer twice as often as non-smokers. When detected early, bladder cancer is often curable, but among patients with advanced disease at diagnosis, only 5 to 10 percent live longer than five years.

This article was printed as a press release from The Ohio State University Medical Center.

If you would like to learn more about Dr. Vipul Patel, he will be presenting "Robotic Prostatectomy" as a State of the Art lecture at the Ohio Chapter's Annual Meeting on Wednesday, May 10.
Chapter News

Member Spotlight:
Dr. Jeffrey S. Palmer, MD, FACS, FAAP

On behalf of the Ohio Chapter, we would like to welcome Dr. Jeffrey S. Palmer, MD, FACS, FAAP, as the new editor of Pulse. He serves as director of Minimally Invasive Pediatric Urology at Rainbow Babies and Children’s Hospital and is an assistant professor of Urology and Pediatrics at Case Western Reserve University School of Medicine. As way of introduction to the membership, we asked him to explain his interest in the Ohio Chapter and why he was interested in becoming editor.

How did you become interested in your profession?
I have always been interested in plastic and reconstructive surgery. My decision to become a pediatric urologist offered me the opportunity to combine my interests in urology with plastic and reconstructive surgery. Pediatric urology also offered me the added reward of taking care of children.

What is your educational background?
I received my undergraduate degree in biology with honors from New York University and my medical degree with distinction for research in surgery from Albert Einstein College of Medicine. I completed two years of general surgery training at Montefiore Medical Center/Albert Einstein College of Medicine in New York and then went to the University of Chicago Medical Center for a urology residency. I then completed research and clinical fellowships in pediatric urology at Children’s Memorial Hospital/Northwestern University Medical School in Chicago.

What is the most exciting area you experience within the surgical profession?
The most exciting area has been the development of new surgical techniques to treat complicated conditions with improved outcomes. In my specialty of pediatric urology, techniques have evolved to such a point that we are able to operate on a child with both functional and cosmetic anomalies and provide him/her with not only an excellent functional result, but also a cosmetically pleasing outcome. A perfect example is when a child with severe hypospadias comes to my office with his parents who are concerned that he will never be able to stand to urinate, have children, or have a “normal” appearing penis. Then I operate on him and provide the child with a phallus that can perform urinary, sexual, and reproductive functions and has a cosmetic result that looks as though he had only been circumcised. The gratification is immeasurable.

Why did you join the Ohio Chapter?
I believe that surgeons have an obligation to their local professional organization. I joined the Ohio Chapter in order to volunteer my services to a very deserving organization. I believe that my experience in national and regional organizations and in the editorial field would be beneficial to the Ohio Chapter.

What compelled you to become editor of Pulse?
When this position became available, I believed that I had a lot to offer this fine publication. I am currently on the Editorial Board of International Journal of Impotence Research: The Journal of Sexual Medicine, and on the Advisory Board of Journal of Men’s Health & Gender. I am also a reviewer and have written several editorial comments for peer-reviewed journals. I believed that this experience along with my clinical and academic involvement with both adult and pediatric surgeons from different specialties would be beneficial to assist with ideas for issue themes and content matter.

How do you see Pulse benefiting Ohio Chapter members?
Pulse is an important source of information for our members. It provides a concise form of communication for surgeons to become aware of important clinical and academic issues. Pulse also keeps our members up-to-date with medical issues that are being discussed and negotiated in government.

Ohio Chapter
New Members
(as of March 6, 2006)

Mary Carey MacDonald
Ashland Surgical Associates Inc
Stephanie Ann Sieg, DO
Akron City Hospital
Chapter News

Cancer Committee Report

By V. Moysaenko, MD, FACS, Chair, Ohio Cancer Liaison Physicians

Please save the date of May 9, 2006, for the Annual Meeting of Ohio’s Cancer Liaison Physicians. The meeting will be from 9:00 am-11:00 am at the Westin Great Southern Hotel in Columbus, Ohio. This meeting is open to anyone involved with a facility’s cancer program. The agenda for this year will focus on cancer program quality indicators with S. Edge, MD, FACS, chair of the Quality Integration Committee at Roswell Park Cancer Institute, Buffalo, New York presenting. The committee has worked out quality indicators for cancer programs that are based on NCCN guidelines for breast and colon cancer. These indicators have been trialed at NCCN facilities and are broad and accessible from a cancer program’s registry and NCDB data submissions.

A presentation will also be made on retrieval of data from the NCDB so that cancer programs can self assess their quality. Each physician tries to provide the highest quality care to a patient, however, no one specialty, no one physician totally controls a cancer patient’s total care. These indicators evaluate and assure that a cancer program’s system provides the full and necessary spectrum of cancer care; the “right care” for the “right patient.” It is also essential that our registries are guided and receive the “right information.”

N. Baird, MD, director of the Ohio Department of Health, will be presenting the role of the ODH in Ohio’s statewide cancer control. In addition to providing one-on-one care to patients, cancer physicians and cancer programs should participate at the community level in cancer control. Dr. Baird will review what the ODH does statewide and what we can do locally to forward cancer control for the state of Ohio to make “cancer history for all Ohioans.”

I look forward to seeing all of you at the meeting on May 9. Please complete the Annual Meeting registration form and return it to the Ohio Chapter of the American College of Surgeons, so the Ohio Chapter can arrange for the appropriate facilities.

Chapter News
Ohio Chapter, American College of Surgeons
2006 Membership Application
January 1 – December 31, 2006
Telephone: (614) 221-9814
Toll Free: (877) 677-3227
Fax: (614) 221-2335

GENERAL INFORMATION  (Please print or type)
Name: ________________________________
Employer: ________________________________
Work Address: ________________________________
City: __________ State: _______ Zip: ______
Work Phone: ________________ Fax*: ________________
Web Address: ________________________________
Preferred Email*: ________________________________

ADDITIONAL CONTACT PERSON
If you have a support person who the Chapter may contact when you are in surgery, please provide his/her information:
Office Contact: ________________________________
Phone: ________________________________

TYPE OF MEMBERSHIP
☐ $245 Fellow - Must have met all of the requirements and been formally admitted into Fellowship of the American College of Surgeons.
☐ $115 Associate Fellow - Must be recognized by the American College of Surgeons as an Associate Fellow.
☐ $25 Retired - Must have been granted retired status by the American College of Surgeons.
☐ $0 Candidate - Surgical residents and surgeons in research or surgical fellowship programs who meet the American College of Surgeons requirements for participation.

METHOD OF PAYMENT
☐ Check # ______________ enclosed
(Make checks payable to OCACS.)
☐ Please charge my credit card.

Account Number

Name of Cardholder

Authorized Signature

Expiry date Pin/3-4 digit security code
(Located on back of card.)

Address that credit card is issued to:
☐ Home  ☐ Work  ☐ Other

Other:

Please send your completed form to:
Ohio Chapter Payment Processing Center
P.O. Box 71-3055
Columbus, Ohio 43271-3055

Or fax to (614) 221-2335

The mission of the Ohio Chapter of the American College of Surgeons is to educate its members and the public about surgical care within the state of Ohio, and to support the mission and goals of the American College of Surgeons.

Payment of dues or other contributions to the Chapter are not tax deductible as charitable contributions for income tax purposes. They may, however, be tax deductible as ordinary and necessary expenses to the extent not allocated to lobbying expenses. The OCACS estimates that the non-deductible portion of your dues is 15%.

The Ohio Chapter of the American College of Surgeons (OCACS) collects credit card information to make it easier for you to register for seminars and events online, as well as paying for other services. OCACS does not use or share credit card information for any other purpose. We retain such information as is needed for standard accounting record keeping requirements. Every step is taken to protect the loss, misuse, and alteration of the information under our control. If you are uncomfortable or wary, please use a check or money order to make any necessary payments. Thank you.

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www.ohiofacs.org
Advocacy

Legislative Update
By Belinda Jones, Legislative Agent

SB 88, sponsored by Sen. Kevin Coughlin and introduced to the Ohio Senate on March 2, 2005, would establish a pilot program mandating arbitration for claims of medical negligence prior to the filing of a complaint and would terminate the provisions of this act 10 years after the effective date of this act by repealing certain sections of the Ohio Revised Code. SB 88, pending approval from the Senate Insurance, Commerce & Labor Committee now chaired by Sen. Steve Stivers, was given support by the Ohio Chapter of the American College of Surgeons at our Annual Meeting in May 2005. The Ohio Society of Pathologists, the Summit County Medical Society, and the Academy of Medicine of Cleveland/Northern Ohio Medical Association have all testified in support of the proposed legislation. The Ohio State Bar Association has also suggested that mediation be studied as an alternate form of dispute resolution. Additionally, during several recent interested party meetings on the bill, the Ohio State Medical Association has lead discussions about how other states are addressing this issue. We will keep you apprised as the interested parties continue to work on amendments to the bill.

SB 163, sponsored by Sen. Tom Roberts and introduced to the Ohio Senate on July 28, 2005, would require bicycle operators and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets. SB 163 is pending the approval of the Senate Highways & Transportation Committee, chaired by Sen. Jeffry Armbruster, with the support of the Ohio Chapter and the Ohio Committee on Trauma.

HB 406, sponsored by Rep. Tom Patton and introduced to the Ohio House on November 3, 2005, would, among other things, require persons who are under 25 years of age to wear a helmet while riding on a motorcycle either as the operator or as a passenger and to choose between a fine or minimal jail-time. HB 406 is currently pending approval of the House Criminal Justice Committee, chaired by Rep. Latta.

Revisit 2005 Ohio Chapter Legislative Efforts

As the 126th General Assembly was in session, the Executive Office and its legislative agents have actively monitored legislative interests of the Ohio Chapter and its members. The following is a brief recap of legislative actions affecting Ohio Chapter members and the medical community.

House/Senate Bill 5
An important bill currently in both the Ohio House and the Ohio Senate was introduced in January 2005. House and Senate Bill 5 allow small businesses to offer insurance plans that do not include the statutorily required coverage mandates. The bill also proposes raising the annual deductibles for medical savings accounts and limiting the amount that insureds may be required to pay providers “out of pocket” or from medical savings account funds. House and Senate Bill 5, if enacted, would exempt important preventive coverage such as breast and cervical cancer screenings in most insurance policies. The Ohio Chapter has been one the strongest opponents of reducing this coverage in Ohio.

Senate Bill 88 (Mandatory Arbitration for Medical Negligence)
Senate Bill 88, introduced by Kevin Coughlin (R – Cuyahoga Falls), mandates that all medical malpractice and negligence claims first go to arbitration. This legislation requires the Superintendent of Insurance to establish a pilot program to determine the benefits of using arbitration in medical negligence disputes concerning a health care professional, hospital, or health care facility and modifies the current law's provision regarding arbitration agreements. This legislation will suspend medical claims arbitration provisions under existing law for a period of nine years, applying a pilot program to medical claims that accrue during a period commencing on the effective date of the bill and ending nine years thereafter. The bill is currently being debated in the Senate Insurance Commerce & Labor Committee, chaired by Sen. Jay Hottinger. Ohio Chapter's position on this legislation is that, if it does not conflict with or supersede the efforts of House Bill 215 from the 125th General Assembly (Medical Review (Continued on page 11)
Panel-Review Medical Claims), this proposed law would benefit the health care profession. The Ohio Chapter Executive Office and its legislative agents are working with the bill sponsor (Senator Coughlin) as to the how this legislation may affect House Bill 215.

House Bill 117 (The Complementary and Alternative Health Care bill or the “Health Freedom Act”)
House Bill 117 was introduced by Linda Reidelbach (R – Westerville) in March. This identical bill has also been introduced into the Ohio Senate by Patricia Clancy (R – Cincinnati) and is tabbed as Senate Bill 98. This legislation creates the Ohio Consumer Freedom Act, allowing individuals to practice complementary or alternative medicine within the state of Ohio. These “doctors” will be free to diagnose and treat Ohioans, with no regulatory oversight, and will be unlicensed by the state. Further, the bill is troublesome and ambiguous as it lists practices that complementary and alternative medical (CAM) providers may not perform, but leaves open all practices not specifically prohibited.

The principal proponent organization is the Health Freedom Coalition. In addition to the Ohio Chapter, opponents include the Ohio State Medical Association, the Ohio Dietetics Association, the American Academy of Pediatrics - Ohio, and countless other provider groups.

The Ohio Chapter is opposed to this legislation because of the many questions posed with oversight and questions of when is a complaint referred to a prosecutor and what level of misdemeanor or felony to charge the individual with.

The bill is currently pending in the House Commerce and Labor Committee, chaired by Representative Tim Schaffer (R – Lancaster). Currently, this piece of legislation has had four hearings, and a “substitute bill” has been introduced. A substitute bill is a new version of the bill with changes made through discussion without changing the legislation through an amendment via a committee or a floor vote.

Although the Chapter has made its opposition known to House Commerce and Labor Chairman, Tim Schaffer (R – Lancaster), members of the General Assembly and leadership, Rep. Schaffer asked that we formalize our opposition in the form of a letter. The text of the letter follows:

Dear Chairman Schaffer:
I am writing today on behalf of the Ohio Chapter of the American College of Surgeons (Ohio Chapter) to voice opposition to House Bill 117, legislation sponsored by Representative Linda Reidelbach.

While we have a number of concerns with this bill, our opposition can be summarized in one statement: health care practitioners in Ohio should be regulated. The state needs to ensure quality care through education and training standards and oversight of health care professionals so that patients can continue to trust the medical professionals who care for them. We believe that allowing the provision of complementary or alternative health care treatment by an individual who does not have adequate training and does not have the oversight of a licensing board is a dangerous precedent in the medical profession.

The Ohio Chapter also believes it is inappropriate and dangerous for lawmakers to allow an unlicensed health care practitioner to use titles such as “physician” and “doctor” that are synonymous with the extensive education and training required of true “physicians.”

While the legislation proposes to require a disclosure statement from a person who is not a licensed health care professional providing care to an individual, we are concerned that mere disclosure will not provide enough protection for vulnerable/desperate Ohioans who are sick or taking care of sick family members and will look to anyone to make them healthy again.

Finally, we also strongly oppose the “Ohio Consumer Health Freedom Act” listed at the back of the bill. Including language in Ohio law that endorses unregulated health care should not be the public policy intent of the Ohio General Assembly.

This bill poses significant risks to patient safety. While we understand the value that some people may find in complementary or alternative medicine, we encourage the legislature to ensure those individuals have appropriate training and oversight as they take the health and safety of Ohioans into their hands.

I appreciate the opportunity to share with you our opposition to this legislation. In the meantime, the Ohio Chapter urges the defeat of HB 117.

Sincerely,

Gary B. Williams, MD, FACS
cc: The Honorable Linda Reidelbach

(Continued on page 12)
House Bill 66
The Ohio Chapter, ACS is one of many physician associations that wrote to the Ohio House Finance Committee to express opposition to a provision of House Bill 66 that would absorb the duties of the Ohio State Medical Board into the Ohio Department of Health and would eliminate the Board’s funding for fiscal year 2007. The Ohio Chapter, ACS did not believe consolidation was an appropriate solution as it pertains to the OSMB. Members of the OSMB were concerned that the consolidation of the board with other regulatory entities within the Ohio Department of Health will dilute the OSMB’s proven effectiveness and will ultimately result in less resources being available to further the Board’s mission.

Physician Coalition Letter
To: Ohio House Finance Committee Members
Date: March 16, 2005
RE: Opposition to Consolidation of the Ohio State Medical Board

From: Ohio State Medical Association
Ohio Society of Anesthesiologists
American Academy of Pediatrics
American College of Obstetricians and Gynecologists, Ohio Section
Ohio Chapter of the American College of Surgeons
Ohio/West Virginia Hematology Oncology Society
The Ohio Orthopaedic Society
Ohio Podiatric Medical Association

The OSMB is an independent Board, they are not subject to interference by external forces that may desire to re-prioritize the Board’s objectives.

On behalf of the above listed physician associations, comprised of over 25,000 practicing physicians in Ohio, we write to express our opposition to a provision of House Bill 66 that would “absorb” the duties of the Ohio State Medical Board (OSMB) into the Ohio Department of Health and would eliminate the Board’s funding for FY 2007. Testimony indicated that this proposal in its current form would not necessarily produce any savings. Since we are the individuals who pay the license fees that totally fund the OSMB, we want to convey our opposition to any consolidation of the OSMB or any portion therein.

As you know, the OSMB’s mission is to protect and enhance the health and welfare of Ohio’s citizens through effective medical regulation. The Board currently regulates some 54,000 active licensees, with oversight provided for M.D.s, D.O.s, Podiatrists, physician assistants (PAs) and anesthesiologists’ assistants (AAs).

We have heard some discussions about a study committee to determine details on how the consolidation would actually work. We do not believe that is an appropriate solution as it pertains to the OSMB. We are fortunate in Ohio that the OSMB has consistently been ranked by consumer advocacy organizations among the best medical boards in the USA. Additionally, the OSMB receives no funding from the general revenue fund. Rather, the OSMB is funded entirely with license fees paid by physicians and other providers. Since the OSMB’s mission is to protect and enhance the health and welfare of Ohio’s citizens through effective medical regulation, we do not believe that is an appropriate solution as it pertains to the OSMB.

Thank you for your time and if you have any questions or concerns, feel free to contact Bill Byers, OSMA at (614) 527-6740 or Willa Ebersole, Ohio Society of Anesthesiologists, at (614) 621-2000.

House Bill 196
Another bill under consideration is House Bill 196, Advanced Practice Nurses Admit Patients, introduced by Representative Merle Kearns (R-Springfield), which would allow advanced practice nurses to admit patients into hospitals. Ohio Chapter is still reviewing this legislation as well as Senate Bill 118, Insurers Honor 3rd Party Agreements, introduced by Senator Larry Mumper (R – Marion).

(Continued on page 13)
**House Bill 201 and House Bill 216**

The state of Florida gained national attention with regard to Terri Shiavo and her continuing legal battle concerning treatment and life-sustaining support. In Ohio, legislators in both houses have introduced legislation in hopes of preventing the situation from reoccurring in Ohio. House Bill 201, Life Sustaining Support Agreements, introduced by Representative Derrick Seaver (R – Minster), would give preference to the individual listed by the patient, whom also agrees in writing, to not withhold life-sustaining treatment and incur all costs associated with patient care.

Also introduced is House Bill 216, Life Support Withdrawal, introduced by Representative Keith Faber (R – Celina), which would provide for life support withdrawal under certain circumstances. Both pieces of legislation are before the House Criminal Justice Committee chaired by Representative Bob Latta (R- Bowling Green).

**Senate Bill 154 (Prescriptive Authority)**

This bill would increase prescriptive authority for physician assistants working under a physician’s supervision. The Ohio Chapter sent a letter to the House Health Committee expressing its support as well as a letter to the Ohio Association of Physicians Assistants.

Regarding the practice of physician assistants, including the establishment of physician-delegated prescriptive authority, and to modify the authority of advanced practice nurses to furnish supplies of drugs to patients.

The bill, a companion to House Bill 305, would allow physician assistants to prescribe medication and generally have more authority to practice by requiring PAs to attain a master’s degree.

Terrence O’Donnell, representing the Ohio Association of Physician Assistants, offered testimony in favor of the bill saying it would have a positive impact on the delivery of medical services to patients. He said PAs graduating Ohio’s schools are leaving the state in large numbers because of legal restrictions in the state, and currently Ohio is one of only two states that don’t allow physicians to delegate any prescriptive authority to PAs.

John Trimbath, director of the American Academy of Physician Assistants, also gave proponent testimony on behalf of the Ohio Association of Physician Assistants. He said the bill also has the support of the Ohio Academy of Family Physicians and the Ohio Osteopathic Association. He said he’d been working to get similar legislation passed in the General Assembly for 21 years.

Senator Ray Miller said he was surprised there were only five PA training programs in the state. Trimbath suggested it was due to the “overly restrictive nature of statutes” in Ohio. Sen. Miller said he was concerned that, if the bill passed, it would limit access to PA training for people who might not be able to afford to get a master’s.

“There is a lot about nurses. The difference here is you can still become a nurse without having the advanced status. Not every PA would want that status…I don’t think we should prevent people from entering the field because they don’t have the ability to acquire the education,” he said.

Gloria Stewart, chair and director of the PA program at Marietta College, said only one state – Mississippi – currently requires a master’s degree for PA licensing, but noted that some 90 percent of all PA programs in the country are now master’s programs.

“In order to get into a PA program, you almost have to have a bachelor’s degree [because of all the educational requirements],” she said.

Stewart said the bill could help keep PAs in the state once they complete their degrees. She noted that many Marietta graduates of the program initiated the goal of improving health care access in the Ohio region have migrated to West Virginia to work due to that state’s prescriptive authority.

David Paragas supported the bill on behalf of the Ohio Academy of Family Physicians, for which he serves as general counsel. He outlined the bill’s requirements, which came as a result of collaboration with the Ohio Association of Physician Assistants.

“The OAFP strongly supports this blend of supervision, education, training and credentialing as a minimum threshold for prescriptive authority for mid-level providers,” he said.

**Summary**

The Ohio Chapter Executive Office encourages its members to become more active with its legislative activities. A collaborative effort of the Executive Office coupled with its members is helping to ensure a robust, pro active, and positive health care field.

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*Advocacy* (Continued from page 12)
**Personal Information**

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* State law requires a home address. Post office boxes are not permitted.

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When paying with a personal credit card, you have the option to make a regular contribution to Ohio Chapter S-PAC, either monthly or quarterly. Please select the appropriate box below and write in the amount you would like to have deducted. In addition, you must read and sign the agreement below, authorizing Ohio Chapter, ACS to process your payment as indicated. Please note that all regularly processed contributions will be handled at the beginning of each month. If your personal credit card information should change at any time, please notify Ohio Chapter S-PAC at (877) 677-3227.

I would like to contribute $___________ to the Ohio Chapter S-PAC on a: □ monthly basis □ quarterly basis

When making regular contributions, the following paragraph must be read and a signature is required or the registration will not be accepted. By signing below, I authorize the Ohio Chapter S-PAC to process the credit card information given below for the amount and time intervals indicated above. I understand that I must provide Ohio Chapter, ACS with written notice to cancel any regular contributions, and that Ohio Chapter S-PAC will immediately place a stop on my regular contributions before the next contribution interval.

Signature: ________________________________ Date: ________________________________

**Credit Card Information**

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Billing Street Address & Zip: ____________________________

Security Code (3 digits on back of card): ____________________________

Name on Card: ____________________________

The Ohio Chapter, ACS collects credit card information to make it easier for you to register for seminars and events online, as well as paying for other services. The Ohio Chapter, ACS does not use or share credit card information for any other purpose. We retain such information as is needed for standard accounting record keeping requirements. Every step is taken to protect the loss, misuse, and alteration of the information under our control. If you are uncomfortable or wary, please use a check or money order to make any necessary payments. Thank you.

When paying with a PERSONAL credit card, the following paragraph must be read and a signature is required or the registration will not be accepted. By submitting this contribution form, I hereby direct and authorize the Ohio Chapter, ACS to charge my S-PAC contribution to my personal credit card as directed above and hereby declare that the credit card used for this transaction is a personal credit card and not a corporate credit card.

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Complete form and return to:
Ohio Chapter S-PAC, CP1152
P.O. Box 1715
Columbus, OH 43216-1715

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Politics in Ohio
By Michael E. Stark, MD, FACS

There is so much concern and skepticism in the political process in Ohio today that it is difficult to know the best way to be involved. Residing in northwest Ohio, the “pay to play” issues are front-page news almost every day.

The Ohio Chapter founded a political action committee (S-PAC) three years ago in order to enhance our involvement in the political process. We do not believe that this buys us political influence. We believe that our PAC helps us promote our views as to how we can maintain and improve the health care environment in Ohio. The elected officials and candidates we support generally hold similar views to ours, and we believe deserve to be elected officials for all of us.

If we are not engaged in this process, people who hold a contrary vision to the health care environment will have their view expressed as we sit on the sidelines.

2006 is a general election year and the Ohio Chapter has very strong views on several issues. We believe that Ohio should have a clear air act making smoking in all public places illegal. We are actively involved in the SmokeFreeOhio coalition. We believe that we need to move forward in liability reform. We believe that insurance companies should pay physicians directly and not the patients, even though they may not be an in-network provider. We are monitoring expanded scope of practice of physician assistants and changes in mandatory requirements of basic health insurance.

I ask all fellows in the Chapter to join me in the process. Please contribute to our S-PAC. Even more, I am asking all to be willing to contact our legislators by phone, email, letter, and/or in person when the need is present. Together we will make medicine and surgery better in Ohio.

Medical Liability Reform Progress in Ohio
By Michael E. Stark, MD, FACS

Medical liability in Ohio is still a pressing issue. We have, however, made significant progress in the last five years. In 1975, the Ohio General Assembly passed tort reform with a monetary cap on non-economic damages. However, in 1991 the Ohio Supreme Court ruled that the passed reforms were unconstitutional. In 1997, the General Assembly again passed tort reform, only to rule it unconstitutional in 1999 (State ex rel. Ohio Academy of Trial Lawyers v. Sheward, 86 Ohio St. 3d 451).

In 2003, the General Assembly once again passed reforms, which currently are in effect. SB 281 accomplishes much. It limits non-economic damages, defines statute of repose, allows juries to hear evidence of collateral source payments, provides for periodic payments of future damages, requires some review of attorney contingency fees, protects physicians from insurance companies using 180 day letters from raising rates, and includes a frivolous lawsuit provision.

None of these provisions were in place before SB 281. It was clear that the problem with tort reform was not with the General Assembly but with the Ohio Supreme Court.

The current Supreme Court is now comprised of justices that have expressed the judicial philosophy of interpreting the constitution and allowing the legislative branch to make the laws. They seem less interested in legislation from the bench compared to prior courts. SB 281 has not yet been court tested, however, there is good reason to believe that it will not be declared unconstitutional.

Other tort reforms that have passed include peer review protections (SB 179), creating joint and several liability reform (SB 120), extending good samaritan protection to physicians’ offices (SB 86), and requiring insurance companies to notify physicians in a timely manner of major changes in their policies (SB 187). The Ohio House has also passed reforms including improving the rules on pre-judgment interest (HB 212), requiring due diligence of expert witnesses and addressing frivolous lawsuits (HB 215), and allowing for a medical liability underwriting association (HB 282).

Are these measures helping? Recently there have been two awards against trial attorneys under the frivolous lawsuit provisions. There are reports that trial attorneys are less likely to take a case because of the limits on non-economic damages. The rate increases for liability insurance is slowing and the market is starting to become more competitive.

(Continued on page 16)
Advocacy

(Continued from page 15)

The Ohio Chapter with its members has been instrumental in affecting these changes. It is vital that we remain engaged in the political process to continue to improve the environment of the practice of medicine. There is evidence that in a hostile environment the access to patient care declines, and this may result in less than optimal health care for the public. We need to continue and improve our contact with our elected officials. We do this by personal contact and support of the Ohio Chapter S-PAC. We are then part of the solution to the liability crisis in Ohio.

From the College

State Chairs Recognized for Outstanding Performance

By Rhonda Peebles, American College of Surgeons

Three state chairs who exhibited outstanding leadership and made significant contributions to the Liaison Program in 2004 were recognized by the Committee on Cancer Liaison during the recent Cancer Liaison Physician Breakfast Meeting.

Valeriy Moysaenko, MD, FACS, Ohio State Chair, received an award for his consistent and innovative communication methods used for maintaining relationships with the Cancer Liaison Physicians (CLPs). Among his frequent communications to liaisons in Ohio, Dr. Moysaenko sends a monthly newsletter to more than 90 CLPs discussing various CoC and AJCC topics.

Aaron Bleznak, MD, FACS, Pennsylvania Keystone State Chair, received an award for his support and initiation of CoC activities at the state and regional level. Dr. Bleznak represents the CoC on several state groups, provides frequent presentations on the CoC’s behalf, and utilizes CoC resources to improve the delivery of care in Pennsylvania.

Jon Greif, DO, FACS, California San Diego State Chair, was honored for his outstanding leadership and collaboration with his local American College of Surgeons Chapter, American Cancer Society (ACS), and state cancer planning team. In addition to his recent appointment as chair of the Committee on Cancer Liaison and leadership role with California’s comprehensive cancer control group, Dr. Greif was recently elected to serve as the ACS California Division president.
### Tuesday, May 9, 2006

<table>
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<tr>
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<td>8:00 am – 5:30 pm</td>
<td>Registration Open</td>
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<tr>
<td>9:00 am – 11:00 am</td>
<td>Annual Meeting, Ohio Cancer Liaison Physicians</td>
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<td>9:00 am – 11:00 am</td>
<td>Ohio Committee on Trauma Meeting</td>
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<td>11:00 am – 1:00 pm</td>
<td>Ohio Chapter Council Meeting</td>
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<td>2006 Legislative Update</td>
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<td>Ohio Residents’ Meeting</td>
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<td>3:00 pm – 5:00 pm</td>
<td>Legislative Visits at the Statehouse</td>
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<td>5:30 pm – 7:00 pm</td>
<td>Legislative &amp; Exhibits Reception</td>
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### Wednesday, May 10, 2006

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<tr>
<td>7:00 am – 3:00 pm</td>
<td>Registration</td>
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<tr>
<td>7:00 am – 8:00 am</td>
<td>Ohio Committee on Trauma Breakfast &amp; Presentation</td>
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<td>8:00 am – 3:00 pm</td>
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<td>8:30 am – 10:30 am</td>
<td>Quality, Error Reduction, Patient Safety Overview</td>
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<td>Regional Quality Collaboration with the Payer: An Expanding Role for NSQIP</td>
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<td>Quality and Safety Impact of Computerized Order Entry &amp; Electronic Medical Record</td>
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<td>Medical Emergency Teams – Fact and Fiction Error Reduction Through Collaboration</td>
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<td>11:00 am – 12:00 pm</td>
<td>Annual Resident Research Forum &amp; Poster Session</td>
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<td>12:00 pm – 1:30 pm</td>
<td>Ohio Oration, Business Meeting &amp; Lunch</td>
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<td>State of the Art Lectures</td>
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<td>Management and Reconstruction of Complex Abdominal Wall Defects</td>
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**Ohio Chapter, ACS 2006 Annual Meeting**

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Profession/Position__________________
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Mailing Address____________________
City_______________________________
State______________________________
ZIP Code___________________________
Daytime Phone_____________________
Fax Number________________________
Email Address______________________
Emergency Contact Name and Phone________
Spouse/Guests_____________________

Please check the Events that you will be attending:

**Tuesday, May 9, 2006**
- 9:00 am – 11:00 am Ohio COT Meeting
- 9:00 am – 11:00 am Annual Meeting, Ohio Cancer Liaison Physicians
- 1:00 pm – 2:30 pm Legislative Update
- 1:00 pm – 4:00 pm Ohio Residents’ Meeting
- 3:00 pm – 5:00 pm Statehouse Visits with Legislators
- 5:30 pm – 7:00 pm Legislative Reception at the Statehouse

**Wednesday, May 10, 2006**
- 7:00 am – 8:00 am Ohio Committee on Trauma Breakfast
- 8:30 am – 3:30 pm Educational Sessions
- 12:00 pm – 1:30 pm Ohio Oration, Business Meeting & Lunch

**Registration Fees**

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**Tuesday Only (Meetings & Reception)**

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**Wednesday Only**

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**Spouse/Guest Fee**

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**Payment**

Registration forms must be postmarked or faxed on or before April 17 to receive the lower fee:

**Payment Method**

- Check Payable to Ohio Chapter, ACS
- MasterCard
- VISA
- American Express
- Discover

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**To Register**

**Online:** Secured registration online at www.ohiofacs.org.

**Fax:** If you are paying for your registration with a credit card, fax the registration with payment information to (614) 221-2335.

**Mail:** Send your completed registration form with complete payment to: OCACS Payment Processing Center P.O. Box 71-3055 Columbus, OH 43271-3055

**Confirmations**

All registrants will receive written confirmations/receipts of registration in the mail.