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SENSE

THE NEWSLETTER OF THE AMERICAN ACADEMY OF EMERGENCY MEDICINE



PRESIDENT'S MESSAGE: CALL FOR HELP

Howard Blumstein, MD FAAEM

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In this issue of *Common Sense*, you will find an insert asking all members to consider making a donation to the AAEM Foundation. This is a good opportunity for me to review why the Foundation exists and what it has done.

The Foundation was established in 2004, following our involvement in a lawsuit that is referred to as the Mt. Diablo case. In this episode, a large for-profit contract management company lost its contract at a hospital, but most of the physicians planned to continue working at the hospital. The contract management group (CMG) sued the physicians involved. AAEM and the physicians both filed countersuits, which were merged. The primary issue was the use and enforcement of restrictive covenants.

Ultimately, the lawsuit was settled to everybody's satisfaction; a happy outcome and a victory for the Academy. But, it cost a significant amount of money that had not been budgeted for that purpose.

Following that episode, the Foundation was established. Part of its mission statement says that the Foundation's purpose is: "... defending the rights of patients to receive [emergency care]..., and emergency physicians to provide such care." Over time, members have contributed generously to the Foundation.

More recently, the Foundation provided financial support for two lawsuits in Texas. In these cases, emergency physicians were again facing the takeover of their practices by for-profit contract management companies. The details of the lawsuits varied, but they were again based on 1) violations of corporate practice of medicine rules and 2) unfair business practices by the defendants.

Unfortunately, as I write this message, the lawsuits have been dismissed based on technicalities. Our appeals failed. It is important to note that the courts *never heard or considered the actual issues in the case*. That is too bad, because we felt that we had a very strong case. We had hoped that a positive ruling by the court would force these contract management groups to significantly alter their business practices, restoring control of physicians' practices to the physicians. But, we never reached that point. (See the AAEM press release on this issue reprinted on page 7).

Lawsuits are not cheap. The Foundation's reserves have been depleted and need to be restored before we can pursue legal remedies to the ongoing abuses and legal violations being committed by those seeking to profit from our labor.

The AAEM board of directors continues to look for the right opportunity to become involved in a landmark legal case that could radically alter the way business is conducted in emergency medicine and give thousands of our colleagues the opportunity to wrest back control of their medical practices. But, we need to be ready to pounce when the right opportunity arises.

I have asked the board of directors to consider making contributions to the AAEM Foundation and they have responded handsomely. Now, it is time to ask our members for help. Please consider making a contribution to the AAEM Foundation by filling out the insert inside this issue of *Common Sense*. Thank you.