



PULASKI COUNTY MEDICAL SOCIETY News

January 2020

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When you think professional, ethical, quality healthcare,
think physicians of Pulaski County Medical Society.

Supreme Court Order Signatures to be Counted

By David Wroten, Arkansas Medical Society
(This is taken from an email sent on December 12, 2019)

Well folks, it just went from being a very good week (Walmart delays e-prescribing edict) to a GREAT WEEK!

The Arkansas Supreme Court has issued its ruling in the optometric surgery case and has directed the Secretary of State to count the signatures!

The lawsuit, brought by Safe Surgery Arkansas (our side), challenged the Arkansas Secretary of State's decision not to count nearly 60,000 of the 88,000 signatures gathered over the summer to place a referendum on the ballot

Continued on page 4

CARTI Opens Cancer Center in Russellville

On Tuesday, Oct. 8, CARTI hosted a grand opening event and ribbon cutting ceremony to formally open CARTI Cancer Center Russellville. The new facility will provide comprehensive cancer treatment and expert care to the Arkansas River Valley communities. Remarks were made by Mayor Richard Harris; Adam Head, CARTI president and CEO; Dr. Thomas Sneed; and Albert Braunfisch, chair of the CARTI Board of Directors.





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G. Thomas Frazier, M.D., Invested in Inaugural G. Thomas Frazier, M.D. Chair in Hand and Upper Extremity Surgery

G. Thomas Frazier, M.D., an assistant professor in the Department of Orthopaedic Surgery in the College of Medicine at the University of Arkansas for Medical Sciences (UAMS), was invested Dec. 19 in the inaugural G. Thomas Frazier, M.D. Chair in Hand and Upper Extremity Surgery.

"It's a really auspicious day, and having everybody here means a lot to me and my family," said Frazier. "It's my honor to receive this chair, and I will continue doing everything I can to improve outcomes for our patients."

An endowed chair is among the highest academic honors a university can bestow on a faculty member. A chair is established with gifts of at least \$1 million, which are invested and the interest proceeds used to support the educational, research and clinical activities of the chair holder. Those named to a chair are among the most highly regarded scientists, physicians and professors in their fields.

"This is a well-deserved honor that recognizes Dr. Frazier's extraordinary contributions to the field of hand and upper extremity surgery," said UAMS Chancellor Cam Patterson, M.D., MBA.



G. Thomas Frazier, M.D.

Ellis Walton provided funding for the chair to honor her son-in-law Frazier's contribution to the treatment of the hand. She and her late husband, Gus Walton, have

been graciously philanthropic to UAMS in various capacities over several decades, and the Department of Orthopaedic Surgery and specifically the Section of Hand and Upper Extremity Surgery has been near and dear to their hearts. She has volunteered with the Winthrop P. Rockefeller Cancer Institute, and has served on boards for the Donald W. Reynolds Institute on Aging and the Psychiatric Research Institute.

The investiture ceremony hosted a packed house on the 12th floor of the Jackson T. Stephens Spine & Neurosciences Institute, many from Frazier's hometown of Hope. That sense of community was referenced many times, including Frazier's longtime friend and fellow

Hope native Larry D. Wright, M.D., an associate program director for internal medicine residencies and associate professor in the Department of Internal Medicine.

Frazier was presented with a commemorative medallion by Patterson and Westfall. He thanked his mentors, colleagues and family, and presented roses to his wife, Cynthia Walton Frazier, and his mother-in-law.

Supreme Court Order Signatures to be Counted

(continued from page 1)

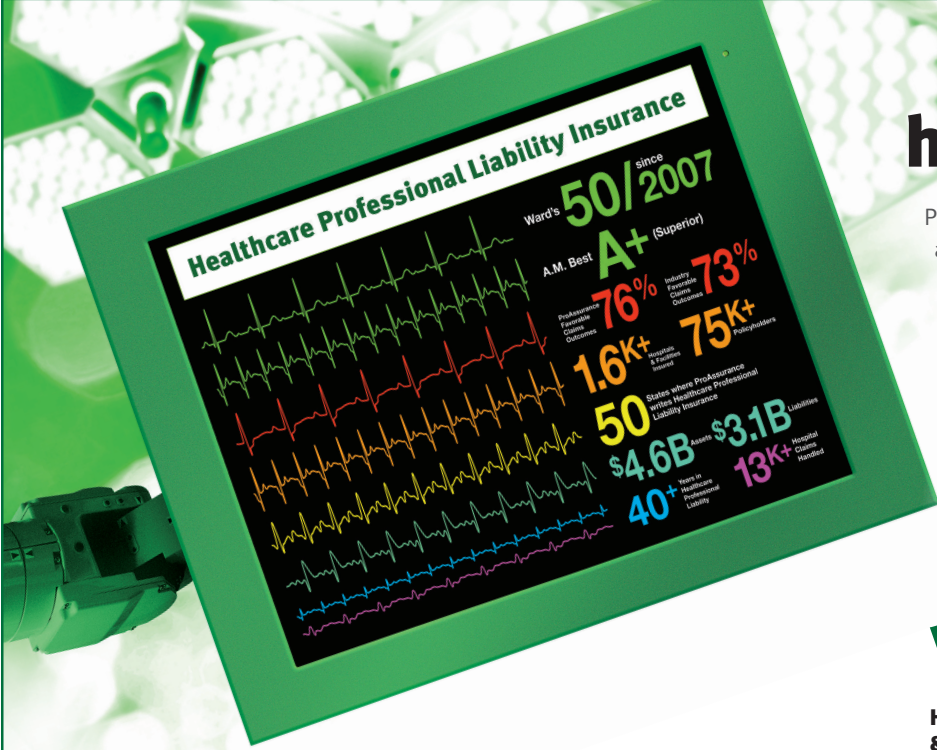
that would provide voters the opportunity to overturn Act 579 of 2019. Act 579 would allow optometrists, with no surgical residency requirements, to perform certain surgical procedures. A referendum provides the “people” the opportunity to overturn a law passed by the General Assembly, provided that enough signatures are gathered and submitted to the Secretary of State prior to the effective date of the law in question. That requirement was met by Safe Surgery Arkansas.

However, the Secretary of State refused to count nearly 60,000 signatures, relying on language in a separate statute also passed in the 2019 General Assembly requiring that paid canvassers must submit signed affidavits to the Secretary’s office prior to gathering signatures. That statute had an emergency clause, which meant that it became effective as soon as the Governor signed it. The canvassing company was unaware of this new requirement when they began gathering signatures but complied as soon as they were made aware. Safe Surgery Arkansas, a ballot question committee led by the

state’s ophthalmologists, challenged the validity of the emergency clause for failure to state what “emergency” existed that could only be addressed by this statute.

The Supreme Court agreed, and ruled the emergency clause failed to state an emergency. The Court has therefore directed the Secretary of State to count the signatures. Approximately 54,000 signatures are needed to place the Act on the ballot. Safe Surgery Arkansas is extremely confident that of the 88,000 signatures gathered, this ruling will send Act 579 to the voters in the 2020 election. Poling done during the legislative session showed that a large majority of the public supports our position that only residency trained ophthalmologists, with a medical school background, should be performing surgery on the eyes.

For those of you who want more information, the Ruling from the Arkansas Supreme Court can be found at this website: <https://opinions.arcourts.gov/ark/supremecourt/en/item/454371/index.do>



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Member News

Dr. Gerry Jones Appointed Chief Medical Officer for CHI St. Vincent Infirmary



Dr. Gerry Jones

CHI St. Vincent has appointed Dr. Gerry Jones the Chief Medical Officer for CHI St. Vincent Infirmary in Little Rock. Dr. Jones, a cardiothoracic surgeon with extensive administrative experience, has served as Vice President for Medical Affairs for the CHI St. Vincent Central Arkansas Market since January 2019. He will continue to

serve in that capacity, while providing transformational leadership in this expanded role for the CHI St. Vincent system and its healing ministry.

"Dr. Jones' extensive experience with acute care facilities and medical group operations has proven incredibly valuable to our ministry as we navigate the changing landscape of healthcare today," said CHI St. Vincent CEO Chad Aduddell. "We know his leadership will continue to build upon our 131 year legacy of service to our communities."

As Chief Medical Officer, Dr. Jones will oversee all clinical operations at St. Vincent Infirmary as well as the day-to-day operations of medical staff at all CHI St. Vincent's Central Arkansas facilities while driving operational efficiencies and quality improvements.

"CHI St. Vincent fills a unique role in the Central Arkansas healthcare space and we're fortunate to have a dedicated team of physicians and healthcare providers committed to our mission of delivering compassionate care," said

Dr. Jones. "Part of my work will be to ensure we have the systems, procedures and resources in place to continue providing exceptional care to all those in need."

Baptist Health Announces Lena Moore as Chief Development Officer of Baptist Health Foundation



Lena Moore

Baptist Health Foundation recently welcomed Lena Moore, who comes to the nonprofit organization from the Clinton Foundation, as its new chief development officer.

Moore previously served as deputy executive director and development manager of the Clinton Foundation in Little Rock, where she has been since 2003. She started in her new

role at Baptist Health Foundation on Monday, Dec. 2.

Since 2016, Moore has led the William J. Clinton Presidential Center's fundraising efforts, including collaborating with staff and key philanthropic volunteers to secure funding to support the organization's mission. Those efforts resulted in the Clinton Center exceeding fundraising goals by double-digit percentages in 2017, 2018 and 2019.

As director of volunteer and visitor services for the Clinton Foundation, she developed a vital and sustainable volunteer and visitor services program for the Clinton Center in Little Rock. Her efforts resulted in the recruitment, training and management of more than 200 volunteers.

Christmas Comes Early for Employers Thanks to Multiple Decisions by the National Labor Relations Board

Joe M. Kraska, Attorney at Cross, Gunter, Witherspoon & Galchus, P.C.

Purple Communications is Overruled

The National Labor Relations Board (NLRB) issued its long-awaited decision on December 17, 2019 in the *Caesars Entertainment d/b/a/ Rio All-Suites Hotel and Casino* case, effectively restoring employers' rights to restrict the use of their email systems by employees. In issuing this decision, the NLRB has overruled the Obama-era *Purple Communications* case where the Board held that employees who have been given access to their employer's email system for work-related purposes have a presumptive right to use that system, on nonworking time, for communications protected by Section 7 of the National Labor Relations Act (NLRA).

Employers' rights to have control over the use of their equipment, including email and other IT systems, is now restored. It is a significant win for businesses. Employers may lawfully exercise their right to restrict the use of these systems provided that in doing so, they do not discriminate against union or other protected concerted activities. The Board also recognized that in today's modern workplace, employees have many other avenues available to them to engage in communications protected by Section 7. The Board's decision does provide for one exception where circumstances as such that employer-provided email is the only reasonable means for employee communication with one another during non-working time on a workday. These situations should be isolated given the availability of social media platforms. This decision, therefore, further

solidifies the pro-employer leaning of the current Board. Employers should review and revise their email and other related IT system policies in light of this decision.

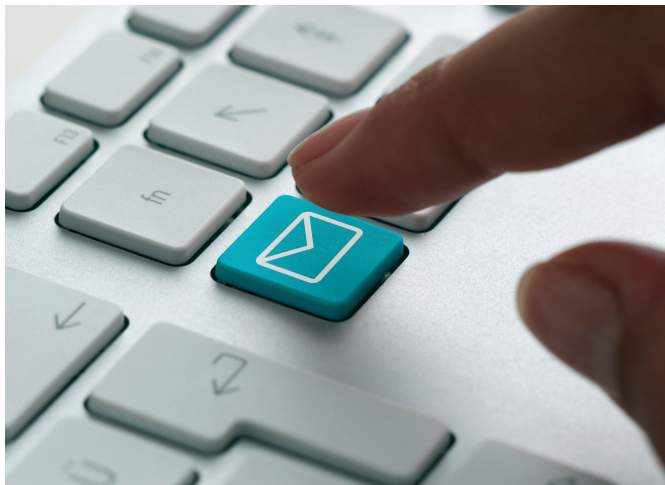
Confidentiality in Workplace Investigations is Strengthened

In another decision issued by the NLRB, the Board held that work rules requiring confidentiality during the course

of workplace investigations are presumptively valid. The holding in *Apogee Retail LLC d/b/a Unique Thrift Store* has overruled prior precedent from the *Banner Estrella* case that required an employer to prove, on a case-by-case basis, that the integrity of an investigation would be compromised if it was not kept confidential. In overruling this precedent, the Board concluded that

Banner Estrella placed an improper burden on employers to determine whether its interests outweighed those of employees in preserving the integrity of an investigation.

In its decision, the Board applied the *Boeing Company* test for facially neutral workplace rules. The Board found that investigative confidentiality rules generally fall under the Boeing Category 1 types of rules where, on their face, the rules apply only for the duration of any investigation. Put another way, employers can now lawfully enforce confidentiality rules for investigations so long as the rule applies to the duration of the investigation.



UAMS Breaks Ground on a more than \$150 Million Energy Project at Main Campus

The University of Arkansas for Medical Sciences (UAMS) broke ground November 20th in a ceremony marking the start of a more than \$150 million energy project, including a new \$49 million electrical power plant. The project is being paid for by a bond issue approved this year by the University of Arkansas Board of Trustees.

Shovels in hand, Board of Trustees members; local dignitaries; UAMS Chancellor Cam Patterson, M.D., MBA; and UAMS officials wearing hard hats officially turned dirt on the project that is estimated to result in \$4.8 million in savings annually.

"Moving forward with this work, we are seeing to the health of the university's physical plant, so UAMS can continue to focus vigorously on the health of Arkansans, the education of its students and the innovation of its researchers," Patterson said. "Part of our responsibility is being a good steward of the public's dollars and of our finances in the most efficient way. This will help us do that."

The energy project will enable UAMS to address \$101 million in maintenance needs, energy efficiency measures and rerouting Cedar Street onto a multilane expansion of Pine Street. Once completed UAMS' energy efficiency ranking will be in the top 1% of all academic medical centers in the United States.

"For 140 years, UAMS and the city of Little Rock have worked together on a shared mission — the well-being

of the people who live and work here," said Little Rock Mayor Frank Scott Jr. "We're glad today to join again with the university in a project that will help ensure that mission's continued success for the city's people and for all Arkansans."

Over the three years of the project, the university will construct a new power plant on the east side of the campus, upgrade control systems, interior and exterior lighting, electrical systems, mechanical systems and building infrastructure. The new electrical generator plant will provide 100% back-up power for the UAMS campus, including the cooling system and research facilities. Currently, the UAMS West Central Energy Plant provides that backup power for UAMS inpatient facilities.

"Using guaranteed capital and savings in operating costs, UAMS is positioning itself to successfully weather the perfect storm of declining reimbursements and ever-increasing costs, challenges faced by many academic medical centers nationwide," said Christina Clark, MBA, UAMS vice chancellor for institutional support services and chief operating officer.

To improve safety and create space for the project, the length of Cedar Street through the campus' east side will be closed and traffic rerouted through the multilane expansion of Pine Street one block to the east. The city of Little Rock is contributing \$4.6 million to the projected \$12 million cost of relocation and other street improvements.



Calendar of Events

January 21, 2020
PCMS Board Meeting
(For location please call the PCMS offices.)

pulaskicms.org

Please check the PCMS website at
pulaskicms.org
 for updated event information.



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PCMS and PCME seeks Executive Director

The Pulaski County Medical Society (PCMS) and Pulaski County Medical Exchange (PCME) boards of directors has announced the resignation of Executive Director Derek Rudkin. Mr. Rudkin started with the society and exchange on December 12, 2012 taking over from the previous director, Carolyn Clayton who served from 1999 to 2012.

Mr. Rudkin will be available to assist the board of directors until a replacement is found. The board requests that members forward any recommendations for this position to derek@pulaskicms.org. A job description and salary details will be sent to anyone requesting this information.