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Stark County Medical Society *News*

Fall 2018

President's Message

Dr. Anthony Degenhard, D.O.



*Dr. Anthony
Degenhard, D.O.*

As we move swiftly into autumn, I hope your summer was enjoyable and you are ready for the change in seasons. We need to continue to be vigilant on the issues affecting our profession. A major issue for Ohio will be the election of two justices for the Ohio Supreme Court. Many of you recall the early 2000s when we had mass exodus of physicians secondary to medical malpractice claims. There were many frivolous lawsuits filed. The market has since stabilized as the courts have been interpreting law and not legislating from the bench. I urge you to discuss with patients, friends, family, and colleagues the important need to vote this November. Please consider voting for Judge Craig Baldwin and Judge Mary DeGenaro for the Ohio Supreme Court. Their ability to

objectively interpret the law will hopefully continue to stabilize the medical malpractice market in our state. Please get involved politically to help secure a stable environment in which to practice medicine.

Many of you participated in the annual golf outing held in late September at Skyland Pines. We had a great time and raised the most money to date for Community Harvest. This impressive food rescue program delivers nearly one million meals to the hungry in Stark County every year. The support of our vendors at this event was greatly appreciated.

On October 18, 2018 we honored one of our long-time respected and deserving member Charles E. Smith, M.D. Dr. Smith's achievements both professional and to the Society have been greatly appreciated. Finally, please plan to attend an upcoming meeting in 2019.

Again, please feel free to contact myself or the office staff for any concerns.

It has come to our attention that we made an error in announcing information about Khalil Korkor, M.D.'s retirement.

Dr. Korkor is not retiring.
Dr. Korkor is actively seeing patients.
Dr. Korkor's practice is located at:

Gastroenterology of Canton, Inc.
4124 Munson Street NW
Suite A
Canton, Ohio 44718
330.492.6662 (O)
and 330.282.8723 (F)

We apologize to Dr. Khalil Korkor, his family, staff, and patients for any confusion that this may have caused. We strive to make sure information shared with our members and the community is accurate. We failed in the situation. We will review our internal record keeping procedures to ensure that this type of error doesn't occur again.

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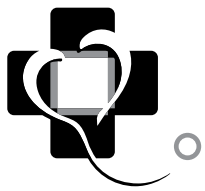
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CORPORATE FORMALITIES & YOUR PRACTICE

By: Scott P. Sandrock • Brennan, Manna & Diamond, LLC

Once they have formed a legal entity for their practice, some professionals forget about the formalities required to maintain that organization which can result in loss of protections, tax exposure and personal liability.

REASONS TO FORM PROFESSIONAL CORPORATIONS

New professionals frequently ask why they should form a corporate entity for their professional practice. There are several good reasons to do so. First while professionals are personally liable for any professional errors made by that individual, the corporate

entity will limit the personal liability of a professional from any claims associated with errors or omissions by other professionals in the practice such as that professional's associates, or professional support staff. This also limits liability from general claims not unique to health practices such as slipping on ice in front of your building for example. The second good reason to form an entity is that there are significant tax benefits available to corporate entities that are not available to individuals or general partnerships such as increased deferred compensation models through corporate sponsored retirement plans, deductions for various business expenses and the like. Even with the 2018 changes in the tax code, the corporate form has tax benefits for healthcare professionals. Finally in many states including Ohio, a practice can adopt a business name that does not have to include all of the names of the individual professionals who are owners in the practice. This branding helps improve public awareness and preserves goodwill when individual professionals retire and others continue the practice. Currently, most professional entities are either formed as professional corporations specifically permitted under a chapter of the Ohio Revised Code, or limited liability companies also permitted under Ohio law.

ONGOING CORPORATE FORMALITIES

When your corporation was initially formed, you were required to name a statutory agent whose name and address are kept on the official records of the Ohio Secretary of State. Corporations have an ongoing duty to keep the agent name and address current but frequently parties forget about that formality. Under Ohio law, official notices such as tax notices or lawsuits can be delivered to the statutory agent and receipt by the agent is binding on the corporate entity whether or not the agent forwards the documents to the corporation. For example if the company was originally formed naming one of the owners but that owner later retired

continued on page 3



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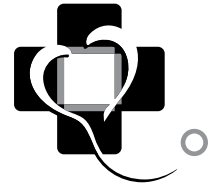
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or has moved, a notice sent to the former owners address can be binding on the corporation.

In a recent case, the Court of Appeals upheld the entry of a judgment against a corporation which claimed that the court pleadings were delivered to an address not connected with the active management of the business. In the case, the plaintiff filed a complaint and served the complaint on the statutory agent listed in the official records of Secretary of State. It turned out that address had been the home of the original person who formed the company but had not been updated when the business management changed to another family member. The court concluded that because the notice had been delivered to the address that was kept on the official records, the failure of the person receiving the notice to forward the complaint would not serve as the basis to set aside the judgment even though the company had other defenses it believed could have prevented the original judgment itself. We frequently work with professionals who find that their originally named statutory agent has retired from the practice or is former legal counsel or otherwise the address is not current. The failure to maintain a current address can be catastrophic.

In Ohio, professional corporations are also required to file a biannual report listing the professionals who are owners. The failure to do so results in the cancellation of the corporate charter which means the protective corporate shield is removed.

Corporations including the limited liability companies, are also required to maintain current records that reflect the owners, former owners, and current owners of the corporation. We frequently see record books that have not been updated in years. It takes considerable effort to update the historical records in the corporate record book of ownership, percentage of ownership transfers, and retirements and the like and in some cases you cannot track down old stock certificates and transfer documents which may create issues of current ownership. This may cause problems if future disputes arise regarding ownership.

The record book should also maintain minutes of important business activities of the corporation. Corporations should have at least have one annual meeting of the owners of the practice or an action in writing signed by the owners. This annual event frequently is done in conjunction with the review of the annual financial statement of the company and other actions. Corporate resolutions or minutes would also be appropriate for significant corporate activities such as bank borrowings, large asset acquisitions such as a building or major equipment, establishment of retirement plans or other material financial commitments of

the practice which may also include the addition or removal of new owners.

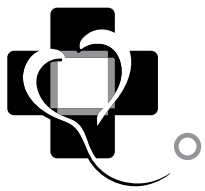
In addition to the record book, corporation should also pay careful attention to maintain their financial and bank records consistent with corporate operation. For example corporate accounts and checks should not be used for routine personal living expenses of owners and funds distributed from the entity to the owners should be documented as compensation, profit distribution or expense.

CONSEQUENCE OF FAILURE TO COMPLY

There are very good reasons for professionals to incorporate being limited liability and positive tax treatment for their practice. Unfortunately, should professionals fail to properly maintain their records, they may lose the benefits of the limited liability and the tax benefits. Cases have held that even though an entity was originally formed, the failure to follow the corporate formalities can result in the court “disregarding” the corporate entity and thereby imposing personal liability on the owners. In Ohio if there are multiple owners, each owner would be jointly and severely liable for those obligations. So not only does the limited liability disappear, individuals now become personally jointly liable (not proportionately liable) for obligations of the practice and other owners all which could be eliminated by simply following the formalities. In addition, if audited, challenges can be made to the tax benefits claimed by the enterprise and a subsequent obligation to make significant payments to the government based upon the denial of the deduction or income deferral.

We would strongly recommend all professionals take the first step of actually looking to make sure that they have a corporate record book which maintains this basic information. If necessary, you should work with experienced counsel to update that record book based upon other records and information available to the company. Sometimes record books have been misplaced and we work with professionals to recreate a replacement book. Similarly to making sure that you purchase and maintain appropriate insurance, taking steps to maintain and assure corporate compliance will provide an essential level of protection to professionals.

If you have any questions regarding this article or need any additional information please contact Scott P. Sandrock, Brennan, Manna & Diamond, LLC, The Carnegie Building, 75 E. Market St., Akron, OH 44308, (330) 253.4367 or at spsandrock@bmdllc.com.

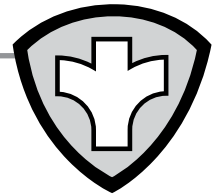


2018 - 2019 Influenza Season

The 2018-2019 influenza season is here and along with its annual return comes some updates to the vaccine. The season kicked off with a press conference in Washington DC, where they announced updates to the seasonal vaccine components and vaccine options.

THESE OPTIONS INCLUDE:

- Nasal spray flu vaccine
- High dose and adjuvanted vaccine for people 65 and older



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SPECIFIC TO THIS SEASON'S VACCINE ARE UPDATES TO THE H3N2 COMPONENT AND THE B/VICTORIA COMPONENT TO BETTER MATCH CIRCULATING VIRUSES:

- **Trivalent influenza vaccines will contain:**
 - A/Michigan/45/2015 (H1N1)pdm09–like virus,
 - A/Singapore/INFIMH-16-0019/2016 (H3N2)–like virus,
 - B/Colorado/06/2017–like virus (Victoria lineage).
- **Quadrivalent influenza vaccines will contain**
 - A/Michigan/45/2015 (H1N1)pdm09–like virus,
 - A/Singapore/INFIMH-16-0019/2016 (H3N2)–like virus,
 - B/Colorado/06/2017–like virus (Victoria lineage)
 - B/Phuket/3073/2013–like virus (Yamagata lineage).
- The nasal spray flu vaccine (live attenuated influenza vaccine or “LAIV”) is again an option for influenza vaccination, and is approved for use in non-pregnant individuals, 2 years through 49 years of age. All LAIV will be quadrivalent. There is a precaution against the use of LAIV for people with certain underlying medical conditions. It is also important to note that the American Academy of Pediatrics recommends an inactivated influenza vaccine (IIV), trivalent or quadrivalent, as the primary choice for influenza vaccination in children because the effectiveness of LAIV against influenza A(H1N1) was inferior during past influenza seasons and is unknown for this upcoming season.

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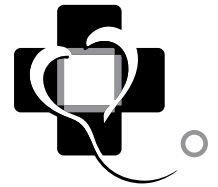
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- Most regular-dose egg-based flu shots will be quadrivalent.
- All recombinant vaccine will be quadrivalent. (*No trivalent recombinant vaccine will be available this season.*)
- Cell-grown flu vaccine will be quadrivalent. For this vaccine, the influenza A(H3N2) and both influenza B reference viruses will be cell-derived, and the influenza A(H1N1) will be egg-derived. All these reference viruses will be grown in cells to produce the components of Flucelvax.
- No intradermal flu vaccine will be available.
- There were some changes in the age recommendation for two vaccines which are detailed in the 2018-2019 guidance (*see link below*).

CDC guidance for the 2018-2019 influenza season can be found here: https://www.cdc.gov/mmwr/volumes/67/rr/rr6703a1.htm?s_cid=rr6703a1_w

The 2017-2018 influenza season was a record breaking year that yielded an estimated 900,000 hospitalizations, 80,000 deaths and 180 pediatric deaths. It is not possible to predict what this flu season will be in Stark County, and while flu spreads every year, the timing, severity and length of the season varies from one season to another. Vaccination continues to be the best way to protect yourself and your patients from influenza.



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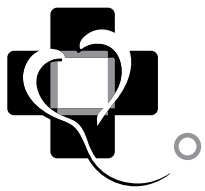
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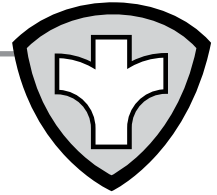
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Shingrix: The New Shingles Vaccine



Herpes zoster, or shingles, is a painful, localized, skin eruption that results from a reactivation of the varicella zoster virus (VZV). According to the Centers for Disease Control and Prevention (CDC) approximately one million cases of herpes zoster occur each year in the United States.

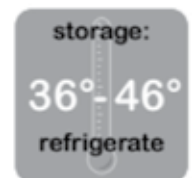
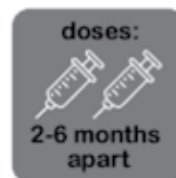
In January 2018, the Advisory Committee on Immunization Practices (ACIP) made new recommendations regarding the shingles vaccine. Following the FDA approval of GlaxoSmithKline's Shingrix recombinant zoster virus vaccine, the ACIP determined that Shingrix should be administered rather than the formerly used Zostavax live virus vaccine. The Zostavax vaccine has been phased out due to waning effectiveness among older age cohorts; in a recent study the vaccine showed 64% effectiveness in the age 60-69 cohort, but only 41% among those aged 70-79 and 18% in those 80 or older. In contrast, Shingrix was found to be 97% effective in those aged 50-69 and 91% effective in those aged 70 or older. Additionally, the possibility of Shingrix being administered to immunocompromised patients due to its use of an inactivated part of the zoster virus exists and merits future study; Zostavax could not be given to these patients because of its live virus component. Since shingles is mainly found in older patients, it is crucial that any widely used shingles vaccine have proper uptake in older populations and those with compromised immune systems.

The Shingrix vaccine is administered intramuscularly in two doses, 0.5 mL each, 2-6 months apart. The ACIP recommends that all adults over the age of 50, regardless of previous disease or Zostavax vaccination status, receive the Shingrix vaccine. The ACIP also recommends that healthcare providers consider the age of the patient and date they received their Zostavax vaccine when scheduling patients for Shingrix vaccination. The clinical trials studied used a 5 year interval between doses of Zostavax and Shingrix vaccination with no ill effects, however, due to the drastic decline in protection with age the ACIP has instituted a minimum interval of 2 months between Zostavax vaccination and Shingrix. Medical providers are encouraged to use the shorter interval for those older adults, especially those over 80 years of age.

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Protect your patients with the new shingles vaccine

CDC recommends new shingles vaccine (Shingrix) for adults 50 and older



Who should get Shingrix

Give Shingrix (Recombinant Zoster Vaccine) to immunocompetent adults 50 years and older, including those who

- had shingles in the past
- received Zostavax® (Zoster Vaccine Live) at least 8 weeks prior
- have health conditions, such as chronic renal failure, diabetes mellitus, rheumatoid arthritis, or chronic pulmonary disease
- are receiving other vaccines, such as influenza and pneumococcal vaccines, at the same visit
- are taking low-dose immunosuppressive therapy

While Shingrix is not contraindicated in immunocompromised people, it is not recommended by the Advisory Committee on Immunization Practices (ACIP) at this time. ACIP will review evidence for Shingrix in immunocompromised people as it becomes available.

Who should not get Shingrix

You should not give Shingrix to a patient who has ever had a severe allergic reaction, such as anaphylaxis, to a component of this vaccine, or after a dose of Shingrix. Consider delaying vaccination if your patient is pregnant, lactating, or experiencing an acute episode of shingles.

Administering and storing Shingrix

- Adults 50 years and older should receive **2 doses** of Shingrix. Give the second dose **2 to 6 months** after the first.
- Administer Shingrix **intramuscularly** in the deltoid region of the upper arm with a 1 - to 1.5-inch needle.
- Both vials of Shingrix must be refrigerated at a temperature of 36-46° F. Do not use if exposed to temperatures below 36° F.

Reconstitution

- Prepare Shingrix by reconstituting the antigen component with the adjuvant suspension component.

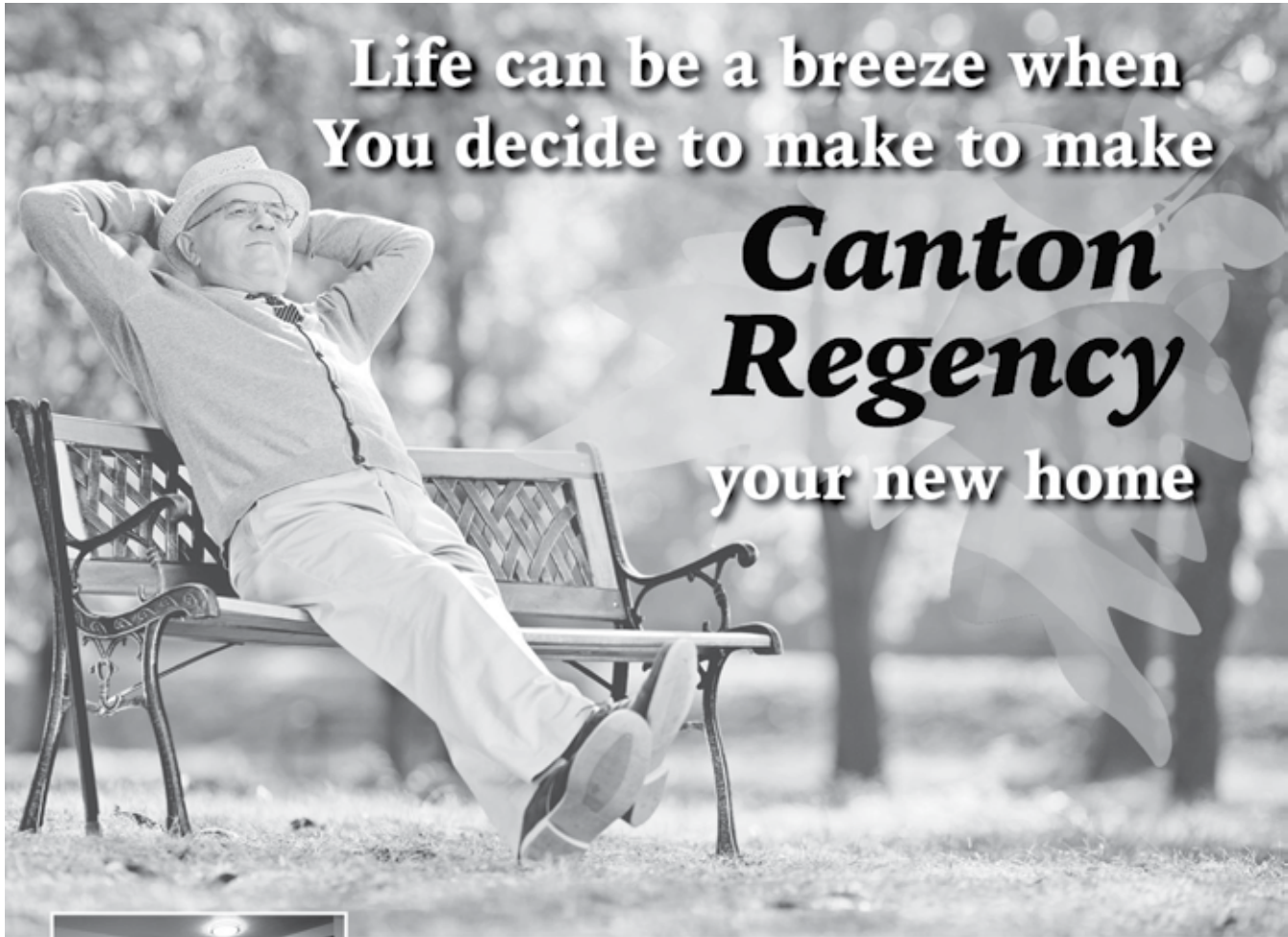
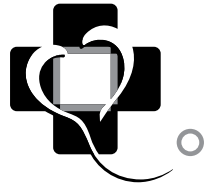
- Either administer it immediately, or store it in the refrigerator and use it within 6 hours of reconstitution. Otherwise, discard it.

Cost and Insurance

Shingrix is now covered by most health insurance plans. Tell your patients to contact their health insurance providers ahead of time to see if they will cover the vaccine.

<https://www.cdc.gov/shingles/downloads/shingles-factsheet-hcp.pdf>

<https://www.fda.gov/BiologicsBloodVaccines/Vaccines/QuestionsaboutVaccines/ucm070418.htm>



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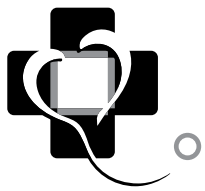
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"PUTTING" AN END TO HUNGER 2018

SCMS'S 17th ANNUAL GOLF OUTING RAISES \$16,000. 00 FOR COMMUNITY HARVEST

COMMUNITY HARVEST, INC



The medical society selected Community Harvest as the recipient of the proceeds generated by our 17th annual golf outing. Community Harvest was created to collect perishable and prepared food that would otherwise be wasted from local restaurants, caterers, hospitals and the food industry. This food is distributed to local soup kitchens, shelters and hot meal programs helping to alleviate hunger.

36 foursomes enjoyed a beautiful day at Skyland Pines. Guests were treated to a cookout-style luncheon to kick off the event, followed by a scramble format outing with prizes and contests. The day concluded with a banquet, award presentation to Faith Barbato, executive director Community Harvest.

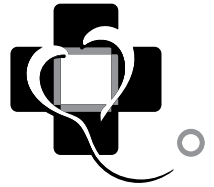
Community Harvest has been addressing food waste and hunger in Stark County for 29 years by using a "common sense" approach of bringing two resources

together. They rescue fresh, healthy, prepared food and deliver it to the people and places serving the meals. There is no cost for the food, because it is all donated by area restaurants and food providers. Last year, Community Harvest rescued \$1.5 Million in food and delivered approximately 950,000 meals to our hungry neighbors in Stark County. This is an astonishing number for a paid staff of only one and twenty incredible volunteers!

We would like to thank Community Harvest, their board and volunteers for their dedication to ending hunger in Stark County. Additionally, special thanks to our sponsors. Please support those vendors and organizations that support the medical society.



***WATCH FOR UP-COMING DETAILS OF
OUR 2019 OUTING.***



 2018
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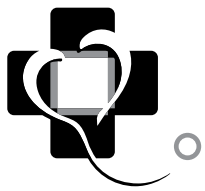
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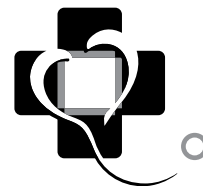
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Time to Think About Year-End Investment Moves

We've still got a couple of months left in 2018, but it's not too soon to start thinking about some year-end investment moves that might benefit you. Here are a few possibilities (although not all will apply to your situation):

- **Add to your IRA.**

For the 2018 tax year, you can put up to \$5,500 into your traditional or Roth IRA (assuming you are eligible), or \$6,500 if you're 50 or older. If you haven't reached this limit, consider adding some money. You have until April 15, 2019, to contribute to your IRA for 2018, but why wait until the last minute?

- **Increase your 401(k) contributions.**

You already may be investing in your 401(k) or similar employer-sponsored retirement plan, but you might be able to bump up your contributions for the rest of the year, if it's allowed. Of course, you should always put in enough to earn your employer's matching contribution, if one is offered.

- **Take your RMDs.**

If you are 70½ or older, you must start taking withdrawals – called required minimum distributions, or RMDs – from your traditional IRA and your 401(k) or similar retirement plan. Generally, you must take these RMDs by December 31 every year. But if you turned 70½ in 2018, you can wait until April 1, 2019, until you take your first RMD. However, you will then have to take a second RMD (the one for age 71) by December 31, 2019. Taking two RMDs in one year could give you an unexpectedly large taxable income for the year, possibly bumping you into a higher tax bracket and affecting the amount of your Social Security benefits subject to taxes. So, if you are considering delaying your first RMD, consult with your tax advisor.

- **Make changes in response to life events.**

In 2018, did you experience a major life event, such as a marriage, divorce or addition of a child? Or did you change jobs or retire? Any of these events could lead you to adjust your investment plans, so now may be the time to do so, possibly with the help of a financial professional.

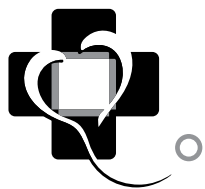
- **Review your investment mix.**

At least once a year, it's a good idea to review your investment mix to ensure it's still suitable for your goals and risk tolerance. Sometimes, even without your taking any action, your portfolio might change in ways you hadn't expected. For example, suppose you wanted your portfolio to contain 60% stocks and 40% bonds and other investments. After a period of rising prices, though, the value of your stocks may have increased so much that they now occupy 65% of your portfolio – which means you may be taking on more risk than you had originally intended. Consequently, you may need to rebalance your portfolio to get back to your original 60% to 40% ratios. (Keep in mind that these figures are just for illustration; everyone's ideal portfolio mix will depend on their individual situations.)

These aren't the only year-end moves you may want to consider, but they can help you close out 2018 on a positive note. Plus, they can serve as a reminder that you need to be vigilant as you keep working toward your financial goals.

**EDWARD JONES | ADAM OLENICK,
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4663 Dressler Rd NW
Canton, OH 44718**

Tel 330.493.0047 | Fax 888.501.2085



5 Things to Know for Open Enrollment

Have you ever wondered how health and ancillary insurance became so time-consuming and complicated? Well, it doesn't have to be. We have five key things you need to know for open enrollment.

1. Review! Don't Just Renew

Let's do some simple math. If you still have the same plan from 2013 when plans were "grandmothered" at a standard increase of 10%

your plan has increased over 70% from those original rates! So a plan you paid \$10,000 per year you are now paying over \$17,000 per year!

Taking the time to review your options and see if there are better options out there puts money back in your pocket. Even if you have no desire to change plans competitive rates from another carrier give you negotiating power with your grandmothered plan and possibly lowering your renewal rate!


2. There are new products in the market for small businesses

The last few years have welcomed MEWAs (Multiple Employer Welfare Arrangement) plans to Ohio. These plans are medically underwritten and have significant cost savings over Affordable Care Act Plans, individual plans without subsidy, and many grandmothered and grandfathered plans.

Some of these plans require membership into industry sectors such as the Ohio State Medical Association or the Ohio Farm Bureau; however, some require a simple chamber membership to COSE, the Canton Chamber of Commerce, or others. In addition, some plans are available for sole proprietors which means there are now alternatives to those high cost individual plans!

New products also mean competition for business which leads to more appealing rates for consumers. If you have been holding off shopping the market, now is the time!

continued on page 14



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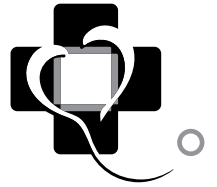
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POUNDS OF
FOOD** WAS RESCUED
FROM LANDFILLS IN 2017.

**122 LOCAL
BUSINESSES**
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MORE THAN
**650,000
MEALS** DELIVERED AT
NO COST EACH YEAR

\$1 = 4 MEALS


WE'RE COMMITTED TO REDUCING FOOD WASTE.

Since merging with Community Harvest in January 2017, the Foodbank has made a commitment to prepared and perishable food rescue, expanding its efforts into Summit County. Collecting prepared food from restaurants, grocery stores, banquet facilities and local cafeterias allows the Foodbank to deliver food, that would otherwise go to waste, directly to our hunger-relief partners at no cost.

New to the program in 2017 was the Starbucks FoodShare program, a ground-breaking partnership in which Starbucks donates unsold product from 19 locations in Summit and Stark Counties seven days each week. We also expanded our relationship with KFC restaurants outside of Stark County, collecting 70,000 pounds of prepared food from nine locations.

THE FOOD RESCUE PROCESS



DONORS

Prepared food from grocery stores, caterers, restaurants, etc., is donated to the Foodbank's food rescue program.



VOLUNTEERS

Volunteers pick up donated food seven days each week and deliver it to local hot meal sites, food pantries, and other hunger-relief programs.

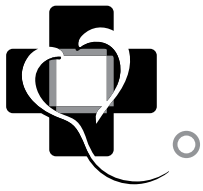


NETWORK PARTNERS

Hunger-relief programs serve the donated food during their hot meals or distribute directly to community members in need.

FOR MORE INFORMATION

If you'd like information regarding the Community Harvest prepared and perishable food rescue program, please contact Faith Barbato at fbarbato@acrfb.org or visit us online at akroncantonfoodbank.org/community-harvest. Donations can be mailed to Community Harvest; 4915 Fulton Drive NW, Unit 7; Canton, OH 44718. Donations are also happily accepted online at communityharveststark.org.



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5 Things to Know for Open Enrollment continued

3. As the job market tightens employees are paying more attention to their benefits

Health insurance benefits are usually the second highest employer cost concerning employees behind payroll. According to Glassdoor, employees surveyed believe that health insurance is the most important benefit they receive. As the job market tightens having an attractive benefit package to attract and retain key talent is necessary.

According to a survey conducted by MetLife, 71% of employees believe health insurance benefits are a key part of employee satisfaction. Health benefits ranked even higher as a job satisfaction component than having a retirement plan! Now is the time to take a good look at your benefits and make sure you are maximizing every dollar spent!

4. Not all insurance carriers are created equal

Insurance carriers are continuing to make changes to their networks adding and removing doctors and hospitals. Having a plan with a diverse network may be beneficial to you and your employees. At the same time, a narrow network may be more cost effective. This may not be as difficult a transition as you thought if you are already using doctors and hospitals which are included in the narrow network. It's important to note significant network differences when making a health insurance change so there are no surprises in your coverage year.

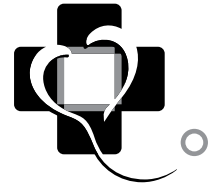
In addition, many carriers handle prescriptions, lab tests, and other covered events differently. The plan you have may require a copay while the plan you are comparing may have costs track toward your deductible. Having someone who can help you understand the options as well as help you navigate if you change carriers is important. A good agent can help you understand how your benefits work and explain the differences between carriers.

5. Time is Critical

Most health insurance coverage renews January 1! This means carriers are going to be very busy with proposal requests, renewals, changes, and new enrollments. Last year we saw the average time for a proposal from key carriers move from two business days to fifteen! That's a three week wait! As the holidays creep closer time becomes even more precious. Many groups that made decisions at the end of December waited until February for their ID Cards and to be loaded into a carrier's system. That's a long time to be waiting for care!

AUI handles everything from health, life, disability, dental and vision benefits, plus more. In addition, AUI represents some of the exclusive plans such as the OSMA MEWA plan.

You may contact Brenda Basso with AUI for a quote at 330-645-6338 or bbasso@auinfo.com. If you want to ensure a smooth transition and have ample time to make changes, start the shopping process early. Don't procrastinate!



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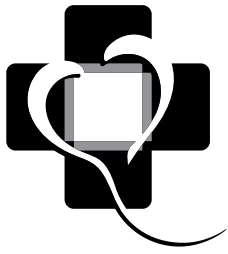
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