

Freedom to Breathe becomes law

With Gov. Tim Pawlenty's signing of the Freedom to Breathe Act in May, Minnesota catches up with other states in protecting the public from the dangers of secondhand smoke.

Benjamin Whitten, M.D., who represented the MMA at the bill's signing, said Minnesota had fallen behind on the clean-air issue, but the "signing of this bill returns us to the forefront, where we belong."

He's also confident that the ban on smoking in bars and restaurants will save lives after it goes into effect October 1. "I have no doubt that this is a public health measure right up there with seatbelt regulations in terms of helping to prevent injuries and death," Whitten said.

Earlier this year, Blue Cross and Blue Shield of Minnesota, in partnership with the Johns Hopkins School of Public Health, released a study showing that secondhand smoke kills more than 580 Minnesotans and sickens more than 66,000 each year. Additionally, the study found that secondhand smoke adds more than \$215 million a year to health care costs in Minnesota alone.

The legislation, known as Freedom to Breathe, will bring about a public health improvement for which physicians and clean-air advocates have been striving for years. About 20 states, Washington, D.C., and Puerto Rico have passed smoke-free laws that extend to restaurants and bars.

The bill prohibits smoking in indoor workplaces and on public transportation. Exclusions include farm vehicles and construction equipment, locked psychiatric units, private homes and vehicles, and tobacco shops where customers can sample products. Indoor smoking is also allowed for scientific study, traditional Native American ceremonies, and as part of a performance.

The law does not prohibit smoking on patios outside of restaurants, bars, and bingo halls, but it doesn't prevent local governments from enacting such restrictions.

The final bill looks much like the original bills introduced by Sen. Kathy Sheran, DFL-Mankato, and Rep. Thomas Huntley, DFL-Duluth, both of whom attended the signing event.

Huntley said getting the bill passed was a tough fight but that it achieves his main goal of protecting people at work. One person who will benefit is Betsy Gaetz, manager and co-owner of Anton's Restaurant in Waite Park, Minn., near St. Cloud, who said hospitality workers will no longer have to be second-class citizens exposed to secondhand smoke.

"Now, finally, all of us will be able to breathe easy," Gaetz said.

A battle of exemptions

Pundits considered Freedom to Breathe likely to pass throughout the session. The main concern was that opponents might succeed in weakening it.

After the Senate passed its bill March 27, the battle really began in the House, where opponents tried to amend it to allow smoking rooms, ventilation systems, and a host of other exceptions.

"Every step of the way, it was nip-and-tuck with very close



Gov. Tim Pawlenty signs the Freedom to Breathe Act. Immediately behind him from left to right are Benjamin Whitten, M.D., chair of the MMA Committee on Legislation, representing the MMA, and bill authors, Rep. Thomas Huntley, DFL-Duluth, and Sen. Kathy Sheran, DFL-Mankato.

votes," said Dave Renner, the MMA's director of state and federal legislation.

The final House version passed April 27. It included a problematic provision that would have allowed bars to petition their local governments for a license to have a smoking room with walls, a door, and its own ventilation system. Employees and minors would not have been allowed in the room. The House bill also had an effective date of January 1, 2009.

The MMA opposed this provision and helped organize a press conference to urge lawmakers to fix the House bill. That conference received extensive media coverage. Also, about 50 physicians wrote their representatives, encouraging them to fix the bill. Smoke-free advocates were relieved when House and Senate conference committee leaders stripped out the smoking-room provision and sent a strong clean-air bill back to both bodies for a final vote.

"This ended up being a bill that received bipartisan support from legislators throughout the state," Renner said. Key lawmakers who helped with passage include Reps. Dan Severson, R-Sauk Rapids, and Scott Dibble, DFL-Minneapolis, and Sen. Ron Latz, DFL-St. Louis Park.

Long time coming

The MMA has worked to eliminate smoking in workplaces since the 1970s and officially focused on the restaurant and bar issue

GO ONLINE
www.MMAonline.net

The MMA is committed to providing members with timely health care news online. Visit www.MMAonline.net to read the latest news and member benefits.

Use the MMA's high-tech imaging tool kit—a list of evidence-based guidelines and recommendations for imaging services.

See the MMA's recently adopted principles for pay-for-performance programs in Featured Links

Find out the latest CME courses offered in Minnesota. The MMA has the most comprehensive listing in the state.

Freedom to Breathe continued on p. 2

Freedom to Breathe (continued from p. 1)

in 2000. The effort to pass a comprehensive smoke-free bill is coming more than 30 years after Minnesota passed the nation's first clean-indoor-air law in 1975, which banned smoking in most workplaces.

In recent years, the MMA has directly lobbied for a statewide smoking ban in bars and restaurants and advocated for city and county bans with the hope that such measures would encourage statewide action.

A broad coalition of supporters, including the MMA, Blue Cross and Blue Shield of Minnesota, the American Lung Association of Minnesota, ClearWay Minnesota, the American Cancer Society, and the Service Employees International Union, actively worked for the bill's passage.

Physicians were key

Factors that worked in favor of passage this year included the Surgeon General's report last summer that said no level of secondhand smoke is safe, passage of a number of local smoking bans, the DFL taking control of the House and Senate, and results of a poll that found that about 70 percent of Minnesotans supported a ban.

"The surgeon general's report took a lot of wind out of the opponents' sails," Renner said. "We rarely heard testimony arguing against the scientific evidence about the dangers of secondhand smoke."

Local bans in communities such as Duluth, Mankato, and Rochester also helped.

"This was no longer perceived as big-city liberals telling rural Minnesotans how to act," Renner said.

Throughout the session, physicians testified before committees about the health hazards of secondhand smoke and spoke with legislators individually about how the lives of their patients have been harmed by smoking.

When the bill was being considered by the full House, Rep. Dan Severson, R-Sauk Rapids, retold a story told by John Van Etta, M.D., concerning a patient who had cancer but was a nonsmoker and worked in the hospitality industry. Rep. Paul Kohls, R-Victoria, mentioned the persistent advocacy of Laurie Drill-Mellum, M.D., on the issue.

Physicians such as Stephen Penkhus, M.D., of Mankato, and local medical societies, including those in Hennepin, Ramsey, Blue Earth, Lake, Stearns, Benton, Dakota, Meeker, Beltrami, Carlton, St. Louis and Olmsted counties, all played a key role in convincing local officials to adopt smoke-free policies.

Physicians were seen as credible sources because they had no personal interest in seeing a smoking ban passed, Renner said.

"Doctors had a lot of credibility because they could talk about the science and put a face on the story by talking about patients who weren't smokers but still died of cancer because of secondhand smoke," Renner said. ■

■ BE HEARD AT THE CAPITOL

Please thank lawmakers

The MMA has made it easy for you to thank legislators who voted in favor of the Freedom to Breathe Act. The lawmakers will likely take heat from smokers and others who opposed the bill. You can help balance out that feedback and encourage them to support future public health measures with your positive comments. Visit our Grassroots Action Center at www.MMAonline.net.

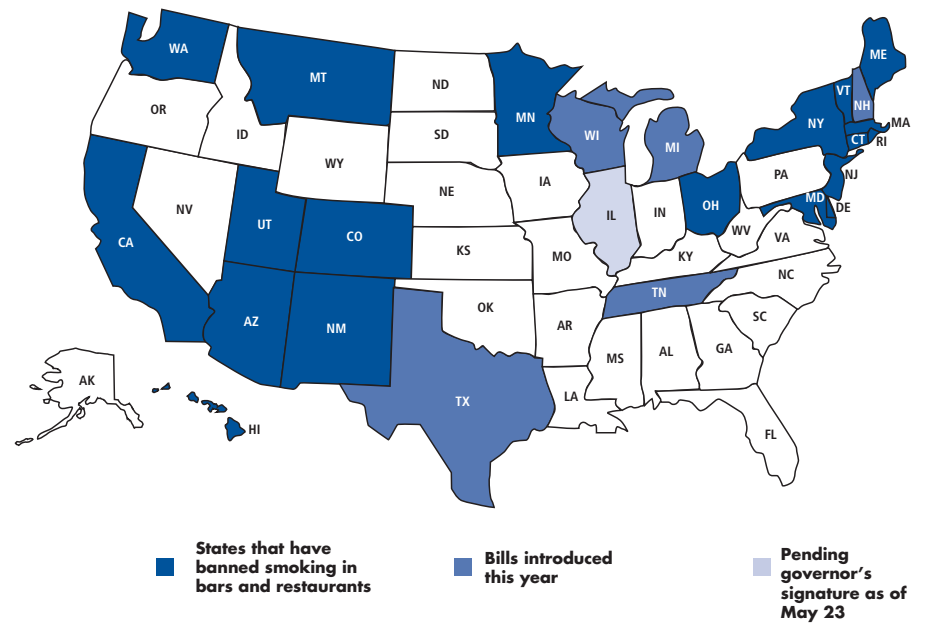
Senators who voted yes

Anderson, Berglin, Betzold, Bonoff, Carlson, Chaudhary, Clark, Cohen, Dibble, Dille, Doll, Erickson-Ropes, Fischbach, Foley, Frederickson, Gimse, Higgins, Kubly, Langseth, Larson, Latz, Lourey, Lynch, Marty, Michel, Moua, Murphy, Olseen, Olson, M., Pappas, Pogemiller, Prettnier-Solon, Rest, Robling, Rosen, Rummel, Saltzman, Senjem, Sheran, Sieben, Skogen, Torres-Ray, Wiger

House representatives who voted yes

Atkins, Benson, Berns, Bigham, Bly, Brown, Brynaert, Bunn, Carlson, Clark, Cornish, Dannie, Dittrich, Dominguez, Erhardt, Faust, Fritz, Gardner, Gottwalt, Greiling, Hansen, Hausman, Haws, Hilstrom, Hilty, Hornstein, Hortman, Huntley, Johnson, Juhnke, Kahn, Knuth, Kranz, Laine, Lanning, Lenczewski, Lesch, Liebling, Lillie, Loeffler, Madore, Mariani, Masin, McFarlane, Morgan, Morrow, Mullery, Murphy, E., Murphy, M., Nelson, Norton, Olin, Paymar, Pelowski, Peterson, A., Peterson, N., Peterson, S., Poppe, Ruth, Ruud, Sailer, Severson, Simon, Slawik, Slocum, Smith, Swails, Thao, Thissen, Tillberry, Tingelstad, Tschumper, Urdahl, Wagenius, Walker, Ward, Wardlow, Welte, Winkler, Wollschlager, Speaker Kelliher ■

Making bars and restaurants smoke free



Moorhead campus swears off tobacco—inside and out

Minnesota State University, Moorhead is the first four-year public university in Minnesota to ban smoking anywhere on school grounds, including outdoors.

The policy announced in May will take effect January 1, 2008 and will affect every school area: residence halls, staff and instructors' offices, athletic fields, even parking lots. All tobacco products, including chewing tobacco, will be banned.

The Twin Cities campus is not so restrictive. Almost all colleges permit smoking outside.

■ GET INVOLVED

MMA seeks members to serve on committees

The Minnesota Medical Association is searching for members interested in being appointed to the MMA's standing committees for a three-year term. Serving on an MMA committee is an excellent way to keep up to date on the latest health care issues.

Most committees meet evenings about four times a year. The new committee terms begin Jan. 1, 2008.

The standing committees are: Accreditation and Continuing Medical Education; Administration and Finance; Communications; Ethics and Medical/Legal Affairs; Legislation; Medical Practice and Planning; Minority and Cross-Cultural Affairs; Public Health and Preventive Medicine; and Quality Health Care.

For information about the responsibilities, current membership, and recent minutes of each committee, visit the Committee section of the MMA website at www.MMAonline.net/about/committees.cfm.

To be considered for appointment to a committee, please take a few minutes to complete the interest survey by visiting the MMA committee interest survey under the featured links at www.MMAonline.net.

To learn about the appointment process, call Susan Sweezo at the MMA at (612) 362-3729 or (800) 342-5662, ext. 729. ■

Legislators pass health spending bill

Lawmakers wrapped up the 2007 session May 22 by approving a \$35 billion health and human services budget that would increase spending by 18.7 percent or \$168 million during the next two years.

Gov. Tim Pawlenty had not committed to signing the budget bills at the end of May, although it looked likely he would.

Pawlenty was quoted in the *Pioneer Press* as saying he felt pretty good about the results and that he had helped the state reach the goal of “living within our means.”

Negotiations went down to the wire on May 21, which was the deadline for adjournment, according to the state constitution. Funding for schools, health care, and nursing homes, property tax relief, and roads and transit spending were the most controversial issues.

Health and Human Services Funding for 2008-2009

“This is a positive bill,” said Dave Renner, MMA director of state and federal legislation. “There is some disappointment that it doesn’t do as much for health care reform as we would have liked, but it definitely moves in the right direction.”

The MMA supported the original Health and Human Services budget bill passed by the DFL-controlled House and Senate that was vetoed by the governor. Pawlenty said the bill was unacceptable because of various tax increases.

In response, lawmakers cut many new funding proposals to fit within the more modest budget targets.

If the health budget bill is signed by Pawlenty, the state will spend nearly 10 percent more a year on these services. Of the \$168 million in new spending, 56 percent would be spent on a cost-of-living-adjustment for long-term care providers; 17 percent on a pay raise for state health and human services employees; 9 percent on federal compliance; 10 percent on nonforecasted items, and 8 percent on new programs.

Legislative leaders estimate the new spending will give 37,000 additional children and 17,000 uninsured adults access to state health care programs. Military families will be eligible for coverage from MinnesotaCare without paying premiums during the first 12 months home from active duty. MinnesotaCare will also become more accessible for self-employed farmers.

The budget bill funds pilot projects to improve the health care delivery system, including those to explore reimbursement reform and an expansion of a statewide Medical Home Learning Collaborative for pediatrics. It also invests in public health

programs including those that support people with hearing loss and heart disease, and funds suicide prevention and newborn screening.

The bill appropriates \$37 million of new money for new mental health initiatives. These reforms come from the Mental Health Advisory Committee recommendations.

The bill does move forward on a number of health care reform measures. In addition to the pilot programs to reform the payment systems, the bill creates a new Health Care Transformation Task Force, which will develop health care reform recommendations for the 2008 Session.

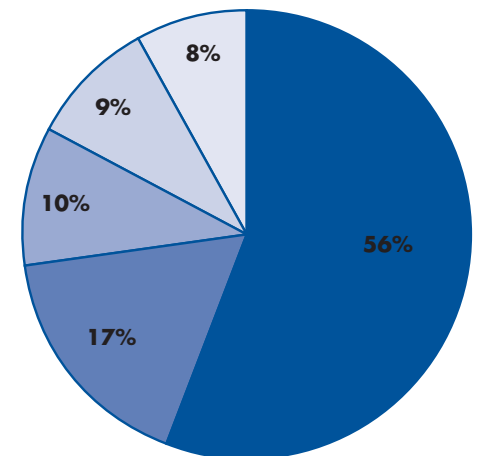
Cutting room floor, issues for 2008

A provision requiring private health plans to cover medical interpreters did not make it into the final budget, despite the willingness of health plans to pay for the service. The measure was opposed by the governor and the business community.

“Significant progress was made on the interpreter issue this year by striking an agreement with the health plans,” said Dave Renner, MMA director of state and federal legislation. “We will work extensively over the interim to engage legislators and pressure the governor to recognize the agreement.”

Another priority bill that did not pass was one that would create a Health Care Access Fund oversight committee, which would have supervised the use of this fund to ensure it would be used for health care access. ■

New health care spending totals \$168 million



- Cost-of-living adjustment for long-term care providers
- Pay raise for state health and human services employees
- Federal compliance
- Nonforecasted items
- New programs

Some health care budget winners and losers

Passed

- Health insurance coverage for an estimated 54,000 more adults and children
- \$37 million more for mental health programs
- Funding for medical home and reimbursement reform pilot projects
- \$14 million for e-health grants

Didn't pass

- Requirement that private insurers cover medical interpreters
- A proposal to increase the hospital cap for MinnesotaCare members from \$10,000 to \$20,000
- Health Care Access Fund oversight committee
- Elimination of premiums for recipients of MinnesotaCare

University of Minnesota

CONTINUING MEDICAL EDUCATION

Fall 2007 Courses

PRIMARY CARE FOCUS

Global Health Course: Clinical Tropical, Migrant & Travel Medicine
July 2-Aug 24, 2007 (in weekly modules)

Geriatric Trauma Summit
September 6-8, 2007

Obstetrics, Gynecology and Women's Health Autumn Seminar
October 1-2, 2007

Twin Cities Sports Medicine Conference
October 5-6, 2007

Internal Medicine Review
October 10-12, 2007

Practical Dermatology for Primary Care
October 26-27, 2007 (Nisswa, MN)

Emerging Infections in Clinical Practice and Public Health
November 8-9, 2007

Heart Failure: The Update 2007
November 16-17, 2007

ALSO OFFERED

Update in Critical Care 2007
September 6, 2007

Neuro-Ophthalmology Sympos.
September 15, 2007

E. T. Bell Fall Pathology Sympos.
November 2, 2007

Borderline Personality Disorder: Clinical and Family Perspectives
Fall 2007

Annual Psychiatry Review
Fall 2007

SURGERY FOCUS

Advances in the Diagnosis and Treatment of Pancreatic Cancer
September 15, 2007

Transplant Immunosuppression: The Ongoing Search for Improvement
October 17-20, 2007



UNIVERSITY OF MINNESOTA

Medical School

Office of Continuing Medical Education
612.626.7600 or 800.776.8636
cme@umn.edu

www.cme.umn.edu

Courses take place in the Twin Cities metro area unless noted.

Medicare to cut physician pay

It's *deja vu* all over again. Congress is expected to cut Medicare physician payments for 2008 by 10 percent, according to the American Medical Association.

Cuts to physicians are now projected at 41 percent over the next nine years. During that time, practice costs are projected to increase by 20 percent.

The MMA will need your help in fighting these cuts. Look for future Action Alerts that will urge you to contact your congressional representative about fixing the way Medicare calculates physician payments. ■

“Are you managing your practice or is IT managing you?”

Here are the top 3 reasons why many of your colleagues are choosing MMIC for their EMR and EPM.

When you choose MMIC Technology Solutions, you get:

- 1 local service and support that puts you first
- 2 proven track record with a trusted partner
- 3 streamlined systems that can connect between external care systems

MMIC Technology Solutions is an authorized reseller of the NextGen Electronic Medical Records and Enterprise Practice Management systems.

To learn more about how MMIC Technology Solutions can help make your practice run more efficiently and profitable, call Brian Salzman at 763.201.0304.



Insurance, Claim & Risk Management • Technology • Customer Service

to protect against & prevent malpractice

to help your practice thrive

that puts you first

PHYSICIAN ADVOCATE

June 2007 | Volume 10, Issue 6

Inside

Historic clean-air act becomes law

Minnesota's bars and restaurants will become smoke free October 1. Page 1.

MMA seeks committee members

The Minnesota Medical Association is searching for members interested in being appointed to the MMA's standing committees for a three-year term. Page 2.

Lawmakers pass health budget

Lawmakers wrapped up the 2007 session May 22 by approving a \$35 billion budget that would increase health and human services by 18.7 percent or \$168 million during the next two years. Page 3.



minnesota medical business resources
products and services
tailored to the needs of physicians

For more information call Jane Phillip at 612/362-3744 or 800/342-5662, ext. 744, or visit www.mmaonline.net/marketplace.



MMA PHYSICIAN ADVOCATE

Minnesota Medical Association

June 2007 | Volume 10, Issue 6

Published by the
Minnesota Medical Association

MMA President
G. Richard Geier, M.D.

Chair, MMA Board of Trustees
Michael B. Ainslie, M.D.

MMA CEO
Robert K. Meiches, M.D.

Editor
Lorrie Holmgren

Writer
Scott Smith

address service requested

Minnesota Medical Association
1300 Godward Street N.E., #2500
Minneapolis, MN 55413
612/378-1875 or 800/342-5662

PERMITTED STANDARD
U.S. POSTAGE
PAID
MPLS, MN
PERMIT NO. 4457