



LEGAL ADVISORY PLAN



Six Reasons Why MMS Physicians and Residents/Fellows Enroll in the Legal Advisory Plan

An Exclusive Member Benefit: \$3,000–\$10,000 Value

1. Provides Security for Your License and Your Career

Safeguard your medical license. The MMS Legal Advisory Plan (LAP), an exclusive members-only, low-cost legal service, provides expert advice from attorneys on Massachusetts Board of Registration in Medicine (BORIM) matters.

Most complaints will require a written response to BORIM. The majority of BORIM issues can be resolved with a well-crafted letter by an attorney. This is your best opportunity to resolve the complaint quickly and favorably.

Another key LAP benefit is that the Plan attorney will personally accompany you and provide representation if you have to appear at an informal BORIM conference.

2. Bridges the Gap in Malpractice Coverage

Board investigations may arise from complaints from patients, colleagues, pharmacists, or hospitals, or the failure to report misconduct by other physicians, among other issues.

Even if a matter is covered by your malpractice policy, the coverage may be limited to a certain amount for BORIM matters. Don't risk exhausting your monetary cap during the investigative stages. Using the Plan first provides an extra layer of coverage since there is no cap.

3. Saves You Money

For a nominal fee, you have access to coverage that could cost thousands of dollars for an attorney to provide a written response. Even more money is saved when the attorney represents you in person at an informal BORIM conference.

The value of these services can range anywhere from \$3,000 to \$10,000.

The LAP coverage is not capped at a certain amount, preserving available coverage under a malpractice policy, if needed, to defend formal proceedings that could cost ten-fold.

Discounts are available for five or more MMS member physicians from a group.

4. Avoid Facing a BORIM Investigation Alone

Attorney representation is essential for a successful outcome in a BORIM investigation. The Plan's counsel, Adler, Cohen, Harvey, Wakeman and Guekguezian, LLP, is experienced in health care law and BORIM regulations/proceedings and can assist you in avoiding pitfalls and common mistakes.

5. Informs on Changing Laws, Malpractice Issues, and BORIM Decisions

The Legal Advisor, the exclusive newsletter, is published quarterly and provides valuable updates on BORIM matters that affect medical practice and licensure.

6. Provides Discount on Legal CME Courses

Certain *Legal Advisor* content has been developed into online CME courses and *LAP members receive a 25% discount.*

Go to massmed.org/cme to see a list of *The Legal Advisor* courses and other CME activities that meet the BORIM's CME requirements.

**Reduce Your Legal Expenses.
Enroll today at massmed.org/joinlap
or call (781) 434-7311.**



LEGAL ADVISORY PLAN

Enrollment Periods

The MMS Legal Advisory Plan provides two enrollment opportunities:

- Enrollment period 1: July to July
- Enrollment period 2: January to January

Members must apply to the LAP by September 31, or March 31. Applicants who miss the deadline will automatically be enrolled in the subsequent enrollment period.

The MMS Legal Advisor Plan is available only to MMS members and must be renewed annually.

You must be enrolled prior to the initiation of a BORIM-related investigation to avail yourself of plan services.

Three Common Mistakes Physicians and Residents/Fellows Make:

- Failing to disclose new and pending claims to the BORIM on an application
- Misunderstanding financial caps in professional liability coverage
- Attempting to resolve the complaint by contacting the patient or the BORIM without legal representation

“*The MMS LAP is an incredible bargain: an expert attorney can triage a Board complaint and may provide legal resolution. Also, having the LAP as my first line of defense to avoid depleting the monetary cap on my malpractice insurance is reassuring.*”

— Luis Sanchez, MD,
Physician Health Services Director Emeritus



For One Low Price, the Legal Advisory Plan Provides:

- Legal service to assist with specified BORIM matters
- Free additional 30-minute consultation on BORIM issues
- *The Legal Advisor* quarterly newsletter on Board matters that affect your license and career
- 25% discount on *The Legal Advisor* online CME courses that meet BORIM’s licensing requirements
- Additional discount for group enrollments

ENROLL in the LAP TODAY

Scan the QR code to enroll at massmed.org/joinlap



Questions? Email lap@mms.org or call (781) 434-7311.

Plan Counsel: Adler, Cohen, Harvey, Wakeman and Guekquezian, LLP

adlercohen.com/healthcare



MASSACHUSETTS MEDICAL SOCIETY

Every physician matters, each patient counts.



Name _____

Email _____

Address Work Home _____

City _____ State _____ Zip _____

Home Phone _____ Office Phone _____ Mobile Phone _____

Group Name _____

I am applying for membership in the Massachusetts Medical Society (MMS) Legal Advisory Plan (LAP) for the 12-month period I have elected below. I understand and agree that my contract for the LAP is contained in the information on the reverse side. I have read the information and understand the plan and the extent of the coverage in it. I understand that my signature is required on this application. I further certify that I am a member of the MMS.

Signature _____

Date _____ MMS Member Number _____

- Enrollment periods are:** Enrollment Period 1: July 2023 to July 2024
 Enrollment Period 2: January 2024 to January 2025

Individual Enrolling Dues

For individuals, a signed application is required for each physician.

- Physician \$95 each

Group Enrolling Dues

For group enrollments, please provide your letterhead showing a list of participants. Have all physicians sign on the reverse of this application.

- 5–19 Physicians \$90 each **Number Enrolling** _____
 20–30 Physicians \$85 each **Price Per Person \$** _____
 30+ Physicians \$85 each* **Amount Enclosed \$** _____

*Plus a FREE, on-site seminar given by Adler, Cohen, Harvey, Wakeman and Guekguezian, LLP

- Check enclosed** (Please make check payable to the Massachusetts Medical Society.)

- Please charge my credit card:** VISA MasterCard AMEX

Number _____ Expiration Date _____

- Application Options:** Apply online when enrolling up to 4 physicians at massmed.org/lap
 Mail signed form to:
 Attn: Treasurer’s Office
 Legal Advisory Plan
 Massachusetts Medical Society
 860 Winter Street, Waltham, MA 02451-9902

What Is Covered by the Plan?

Legal services will be provided during Board of Registration proceedings from the first request by BORIM for information in response to a complaint or BORIM investigation against you up until the institution by BORIM of a formal administrative "show cause"; adjudicatory proceedings to revoke, suspend, limit, or refuse to renew your license; or until BORIM suspends or refuses to renew your license, whichever comes first.

You will receive consultation concerning preliminary matters such as:

- Advice concerning BORIM procedures and policies, including any possible avenue for resolution of the matter without adjudicatory proceedings
- Discussion of the merit of any patient complaint or other complaint against you
- Discussion of the subject of any BORIM investigative request directed toward you
- Consultation concerning the possible need for expert witnesses or fact-gathering in your defense
- Consultation concerning an appropriate response to BORIM and assistance preparing and drafting a response
- Advice concerning your professional conduct as it is affected by the investigation, your strategic options, and the steps you may want to take in the future in response to BORIM's inquiry

In the event you are requested to appear at any informal conference before BORIM prior to the institution of formal adjudicatory proceedings or the suspension or refusal to renew your license, an attorney from Adler, Cohen, Harvey, Wakeman and Guekguezian, LLP, will personally accompany you and provide representation.

Consultation Benefit

Every plan member will receive one free 30-minute consultation per year with the LAP legal counsel concerning Board of Registration issues, whether or not the LAP member has received notice of a complaint or BORIM investigation.

Exclusion from Coverage

The MMS Legal Advisory Plan does not cover:

- BORIM proceedings once BORIM has instituted formal adjudicatory proceedings or summary action to fine or otherwise punish you by revoking, suspending, limiting, or refusing to renew your license (e.g., statement of allegations or other commencement of a formal adjudicatory proceeding by BORIM to revoke, suspend, or limit your license to practice medicine because it has made an initial determination that a

complaint filed against you by a third party or an investigation by BORIM staff has merit or cannot be dismissed)

- Any complaint or proceedings by or against you before any organization or in any forum other than the Board of Registration in Medicine (e.g., court proceedings of any kind, including challenges to BORIM's authority, and proceedings of any kind before a hospital, health care facility, professional organization, or third-party payer review board)
- Any investigation or proceeding by BORIM of which you are made aware before the start of the first program year for which you are enrolled in the LAP, or any complaint or matter that you are aware was reported to BORIM and of which you are made aware before the start of the first program year in which you are enrolled with the program
- Any investigation or proceeding by BORIM if you first received notice about it from BORIM after your membership in the LAP had lapsed
- Application or completion of BORIM questionnaires or standard forms related to your licensure or relicensure
- Services of expert witnesses or consultants
- Out-of-pocket expenses of Adler, Cohen, Harvey, Wakeman and Guekguezian, LLP, for copying, mailing, deliveries, or telephone calls when the aggregate of such charges exceeds \$25.00

Confidentiality

The Society monitors the performance of legal counsel, but it does not have access to the individual file or identity of any physician utilizing the services.

Legal Counsel

The Society has selected the firm of Adler, Cohen, Harvey, Wakeman and Guekguezian, LLP, to serve as legal counsel to the LAP. ACHW&G, a well-respected firm in Massachusetts, has a recognized competence in the area of health and medical law. It has entered into a contract with the Society to guarantee the provision of all covered services to MMS Legal Advisory Plan members for their annual enrollment fee. If the enrollment fees are insufficient to cover its regular fee charges, the firm will still provide you with coverage.

After any coverage available under the LAP (e.g., upon commencement of any formal adjudicatory proceedings to suspend, revoke, or limit your license), you are free to select an attorney of your choosing to represent you in such matters. Your case file will be made available to you or your individual counsel by the LAP counsel.

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Multiple Enrollment Signatures

Name _____ Signature _____



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MEDICAL SOCIETY**

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