Protect Your Medical License
Enroll in the Legal Advisory Plan

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 Board of Registration in Medicine (BORIM) matters.

All investigations require a written response. The majority of BORIM issues can be resolved prior to formal proceedings with a well-crafted letter by an attorney. This is a physician's best opportunity to resolve the complaint quickly and favorably. Legal representation is provided if a physician has to appear at an informal BORIM conference.

2. Bridges the Gap in Malpractice Coverage
Many professional liability policies only cover complaints alleging bodily injury. Complaints to BORIM, which might not be covered by your malpractice insurance, include allegations of rudeness, confidentiality violations, or overbilling.

Even if a matter is covered by your malpractice policy, the coverage is capped at a certain amount. Don’t risk exhausting your cap during the investigative stages, when the LAP can step in to fill the gap to continue the legal process.

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. If the complaint moves into BORIM’s Enforcement Division, hiring an attorney to provide additional legal assistance could cost ten-fold.

The LAP coverage is not capped at a certain amount, preserving available coverage under a malpractice policy, if needed, to defend formal proceedings.

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 Guéguenian, LLP, is experienced in health care law and BORIM regulations/proceedings and can assist the physician 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.

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 www.massmed.org/cme to see a list of The Legal Advisor courses and other CME activities that meet BORIM’s CME requirements.

Reduce Legal Expenses
Enroll in the LAP today!
Enrollment Periods
The MMS Legal Advisory Plan provides two enrollment opportunities:

• Enrollment period 1: July 2018 to July 2019
• Enrollment period 2: January 2019 to January 2020

Members must apply to the LAP by July 31, 2018, or January 31, 2019. 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 at the initiation of BORIM-related investigation to avail yourself of plan services.

Discount on Legal Online CME Courses
LAP members receive a 25% discount on The Legal Advisor online CME courses such as:

• Advance Directives*
• Identifying Drug Dependence*
• Dealing with Difficult Patients
• Terminating the Doctor-Patient Relationship
• Legal Duties When a Patient Raises Suicide

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

*Meets BORIM’s requirements for end-of-life care and effective pain management credits.
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 __________________________

I am applying as: ☐ A new plan participant ☐ A renewal participant

Enrollment periods are: ☐ Enrollment Period 1: July 2018 to July 2019
☐ Enrollment Period 2: January 2019 to January 2020

Individual Enrolling Dues
For individuals, a signed application is required for each physician.
☐ Physician $70 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 $65 each   Number Enrolling____________________________
☐ 20–30 Physicians $60 each   Price Per Person $____________________
☐ 30+ Physicians $60 each*   Amount Enclosed $____________________
*Plus a FREE, on-site seminar given by Adler, Cohen, Harvey, Wakeman and Guekgueian, 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 at www.massmed.org/lap
☐ Mail signed form to:
  Massachusetts Medical Society
  Membership Services
  860 Winter Street, Waltham, MA 02451-1411
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 __________________________________________________________

Name_______________________________________________________   Signature __________________________________________________________

Name_______________________________________________________   Signature __________________________________________________________

Name_______________________________________________________   Signature __________________________________________________________

Name_______________________________________________________   Signature __________________________________________________________

Name_______________________________________________________   Signature __________________________________________________________

**Massachusetts Medical Society**

*Every physician matters. Each patient counts.*