



# IAMERS Newsletter

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## Letter from the President

Dear Members,

I'm looking forward to seeing all of you in Chicago, in just a few short weeks. I'd like to give special thanks to Bob Feldman who has done the planning and preparation for the RSNA, as he does every year. This is an enormous undertaking and one that requires nearly full-time effort during this time of year.

We have nearly 300 people pre-registered for the IAMERS reception on Monday night. We have taken steps to minimize the chaos that existed in getting into the reception last year. In an effort to make it easier for you to register, we will begin registration at 5:30 PM. Please note on Page 2 additional details pertaining to the RSNA.

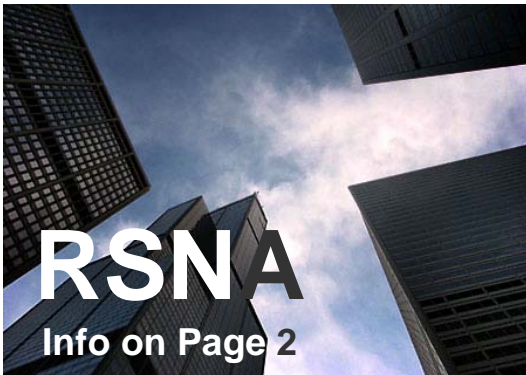
While you are at the show, come and visit the IAMERS booth (8801). We have new booth banners this year which incorporate the new IAMERS logo. Many thanks to John Krieg's group for their great work.

If time permits, I hope that many of our members can attend the member meeting on Sunday (5:30 PM) at the InterContinental Hotel. The more members that take an active interest in the association, the better it will be. There's no charge to attend; and it should take no more than an hour or so of your time.

Should you have any questions regarding the RSNA, please feel free to call Bob Feldman or me.

For those of you in the US, have a wonderful Thanksgiving. And for everyone, safe travels to Chicago.

Cheers,



## Be Careful in Your Next Joint Venture

Robert Kerwin, Esq.

MOWBRAY "My dear dear lord, the purest treasure mortal times afford is spotless reputation--that away.  
RICHARD THE SECOND, Act I, scene 1, 176-181

One of the great advantages of IAMERS is that two members with well-earned reputations for honesty and "follow through" will often partner successfully to get an equipment deal done. However, in this risky climate, you have to be careful so that your new "partnership" does not cause you to become liable for another member's debts. Sounds remote? Well the doctrines of De Facto Merger and Apparent Authority should be considered. De Facto Merger and Apparent Authority causes of action may exist when one business permits itself to be held out as merged or represent by another business. This may happen by the occurrence of a number of events such as joint advertisements, emails from a seller to a prospective buyer with copies to another indicating that it is committing the other party financially (and there are no emails suggesting otherwise). Joint press releases and shared convention booths may also cause confusion. No single act is outcome determinative but collectively you don't want to be confused with another party who may not be in the same financial condition as you.

Think the possibility for confusion and liability is remote? Let me paint a scenario similar to one that occurred. Note: *As they use to say in a TV program: the names and facts have been changed to protect the innocent.* One Boston member learns that a radiology practice in Los Angeles might have an equipment need. A Chicago member learns that a Cleveland hospital has exactly the piece of equipment needed and that the equipment will be available next month. The equipment is de-installed and successfully reinstalled with a parts and service warranty. The members do a number of deals together. In the midst of the deals, one member has to take a substantial portion of cash out of the business to buy back shares as a result of a divorce settlement in which the spouse is a significant shareholder. The post-divorce business is slow and company debt rises. Lifestyles don't change so the member is taking out more than the business can afford. Creditors are now chasing the member.

At the RSNA, a competitor notes that the members are sharing booth space and passing out literature about their partnership/joint venture. He tells one of the creditors who now sues the innocent member and alleges de facto merger. The creditor's case against the so-called innocent venturer may well rest on whether the venturer maintained a separate identity or whether he/she permitted the public to perceive of the two companies as one.

Practice Tip to protect your reputation: when doing a joint deal make sure your emails have a recitation at the bottom of the email which acknowledges in some way that you are in a separate company. Make sure you have clear correspondence that indicates the other party to the deal cannot commit you financially. Keep things separate. But still do the deal!

*Robert Kerwin is a shareholder in the Boston firm of Tarlow Breed Hart & Rodgers, P.C. and IAMERS general counsel. He may be reached with comments on this article by emailing him at rkerwin@tbhr-law.com.*

### Member Meeting Sunday @ 5:30 PM InterContinental Hotel

This year, as in the two previous RSNAs, there will be a member meeting at the InterContinental Hotel on Sunday at 5:30 PM. Many of you have expressed concern over legislative changes that we are facing at IAMERS. This meeting is a good opportunity to catch up on what's going on with legislative changes and other things that affect our members. There is no charge to attend this meeting. It will last about an hour or so. While we know that everyone is busy at the RSNA, this is an easy way to catch up on what's going on with IAMERS.

### IAMERS Reception @ RSNA Monday Night @ The InterContinental Hotel

Everyone who is attending the IAMERS RSNA Reception should already be registered. If this is not the case, please call Bob Feldman by end of business day (EST) on Thursday (Nov 19<sup>th</sup>). As previously noted, everyone who registers on-site will be charged: \$300 for members, and \$500 for non-members. No exceptions will be made. If you feel there is an error in your registration, we will settle it with you after the RSNA, but at the time of registration you will be expected to pay as noted above – unless you are pre-registered.

As we are expecting a large crowd for this year, we will start the registration at 5:30 PM. The entrance to the reception will begin at 6:30 PM. You will be given a name tag and a wrist band at registration. You will need both to enter the reception.

Ex-members cannot come to the reception unless they pay \$500. They cannot come as a guests.

We have taken these measures for two reasons: We need everyone to be pre-registered and we don't want non-members to attend the reception unless they pay to do so.

Questions? – Bob +1.508.559.9441

## ASNC 2009 Wayne Webster

The American Society of Nuclear Cardiology held its annual meeting this year in Minneapolis on October 1-3. Although I didn't hear an official registration number most of the attendees with whom I spoke thought the attendance was lower than expected. I suspect they were correct. Like so many meetings this year as the conference approached the organizers were extending the cutoff days for early registration and hotel booking. One can draw certain conclusions about the preregistration from these sorts of activities.

The vendors attending the exhibit were the usual mix but in general the floor wasn't crowded with attendees or exhibitors. One story has Philips planning to attend and at the last minute withdrawing. People frequently pointed to a large unoccupied space in the center of the exhibit hall where it seemed that something should have been. Philips's Ghost I guess.

There was talk about the shortage of Tc-99m tracers for nuclear cardiology. Everyone seemed to be asking the same question, will the shortage be resolved and if it is, at what price.

There was some interest in PET as an alternative to SPECT. People were investigating alternatives and simultaneously saying that funding such alternatives would be difficult with the threat of further cuts from CMS in 2010.

About 2 weeks earlier MedAxiom held its Fall Conference. I didn't attend. But, at the ASNC meeting many had attended and they brought with them the concepts introduced at MedAxiom. The predominant one I heard was about selling practices to hospitals in an attempt to invigorate practice revenues and profitability. Apparently this was a big subject at MedAxiom. Many with whom I spoke were considering this possibility and weighing the potential for avoiding the effect of further reimbursement cuts and increasing or at least stabilizing revenue flow.

I'm not convinced that such business ventures would cure falling revenue and profitability. However, if such a concept was to catch on and many imaging practices were sold to hospitals, I think the effect on sellers of new and used equipment would be significant. Hospitals just take a lot longer to acquire a piece of capital equipment or to adopt and fund a new program.

There wasn't any new equipment introduced, but this really isn't a meeting for that kind of thing. GE had their Discovery NM 530c's with Alcyone technology on display with multi pinhole collimator and CZT detectors. Claims of shorter scan time resulted in some interest from attendees. Unfortunately the unit is being marketed for around \$650,000. From the attendee feedback I heard, this won't play well in Peoria.

Here's what I took away from the meeting. Moving potential buyers out of the doldrums and into a buying routine in these times is going to be a challenge. Buyers are in a Chicken Little mode. The sky is falling and they're running for cover. For those interested in expanding applications or replacing older equipment, used equipment that brings high utility and therefore high value to the end user can be part of the solution in these tough times.

### IAMERS Welcomes New Member

JB GROSHEK CONSULTANTS, LLC  
Joe Groshek, President  
5237 Summit Lake Drive  
Jacksonville, FL 32258  
Phone: 904-583-9425  
Fax: 904-288-6098  
Email: [joebgroshek@yahoo.com](mailto:joebgroshek@yahoo.com)

Remarketing consultant for pre-owned diagnostic imaging equipment acquisitions.

### Congratulations to the New York Yankees



27<sup>th</sup> World Series Win

## Top 10 Holiday Gifts for 2009

Everyone wants to give that special person in their life a memorable Christmas/holiday gift; and budgets do vary.

Here are our favorites for this holiday season. We've included the cost per item, and where to buy.

1. A Tyrannosaurus Rex tee shirt - \$20  
[www.amnh.org](http://www.amnh.org)
2. Athenian coin cuff links - \$45  
[www.metmuseum.org](http://www.metmuseum.org)
3. Russian Dragon Fly Pin - \$90  
[www.metmuseum.org](http://www.metmuseum.org)
4. Driving a Ferrari F430 F1 on a track in Las Vegas or LA. 20 laps (+ 2 free Hummer laps) - \$1000/\$300 for 5 laps + transportation to LA or Vegas. Lamborghinis, and other cars, are also available. [www.exoticracing.com](http://www.exoticracing.com)
5. An exotic cat as a pet. In this case, an African Serval. Their owners love them. They're affectionate; but also a bit rambunctious. They eat a lot; and weigh up to 40 pounds. \$2500 + transporting your new kitten from Africa. [www.exoticcatz.com](http://www.exoticcatz.com)
6. A ride on The Blue Train. From Pretoria to Cape Town, SA, it's considered one of the most beautiful train rides in the world. 3 days/2 nights - \$3100 for 2 + airfare to South Africa. [www.bluetrain.co.za](http://www.bluetrain.co.za)
7. A Ladies Oyster Perpetual Rolex Date Just in Rose Gold and stainless steel with a diamond face. \$7462 w/ free shipping. [www.jomashop.com](http://www.jomashop.com)
8. A Tiffany's Key. Gift her that special "key to your heart". \$12,325 + \$325 for the chain. [www.tiffany.com](http://www.tiffany.com)
9. A. Lange & Sohne Datograph Perpetual Men's Watch in platinum - \$146,000. [www.jomashop.com](http://www.jomashop.com)
10. A National Geographic expedition by private jet that highlights the legendary wildlife, natural splendor, and myriad cultures of Africa. Come face-to-face with the endangered gorillas of Rwanda's lush hills, experience the serenity of Namibia's soaring copper-colored dunes, and meet people of little-known cultures such as the San of the Kalahari. Visit Egypt, Rwanda, Tanzania, Madagascar, Zambia, Botswana, South Africa, Namibia, Mali, and Morocco on this unforgettable journey. 23 days. \$63,000 pp double occupancy + airfare to/from Copenhagen.  
[www.nationalgeographicexpeditions.com](http://www.nationalgeographicexpeditions.com)



## Important Dates & IAMERS Events

### October 2009

Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

### December 2009

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

### February 2010

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15	16	17	18	19	20	21
22	23	24	25	26	27	28

### April 2010

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19	20	21	22	23	24	25
26	27	28	29	30		

### June 2010

Mo	Tu	We	Th	Fr	Sa	Su
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21	22	23	24	25	26	27
28	29	30				

### August 2010

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

### November 2009

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16	17	18	19	20	21	22
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30						

### January 2010

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25	26	27	28	29	30	31

### March 2010

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29	30	31				

### May 2010

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### July 2010

Mo	Tu	We	Th	Fr	Sa	Su
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19	20	21	22	23	24	25
26	27	28	29	30	31	

### September 2010

Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4
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26	27	28	29	30		

**RSNA 2009 – Chicago, IL • 29 Nov – 3 Dec 2009**

**IAMERS booth # 8801**

**IAMERS Member Meeting • 29 Nov 2009**

**InterContinental Hotel on Michigan Ave. • 5:30 PM**

**IAMERS RSNA Reception • 30 Nov 2009**

**InterContinental Hotel • 6:30 PM –**

**Arab Health♦ – Dubai, UAE • 25 – 28 Jan 2010**

**ECR – Vienna, AT • 4 – 8 Mar 2010**

**IAMERS ECR Reception • 7 Mar 2010**

**Grand Hotel Vienna • 7 PM –**

**AIUM♦ – San Diego, CA • 24 – 27 Mar 2010**

**MD Expo Spring Mtg – Scottsdale, AZ • 24 – 28 Mar 10**

**ICR♦ – Shanghai, CN • 9 – 12 Apr 2010**

**(Int'l Congress of Radiology) – held every 4 yrs**

**IAMERS Annual Meeting • 28 Apr – 1 May 2010**

**Washington Marriott • Washington, D.C.**

**SNM♦ – Salt Lake City, UT • 5 – 9 Jun 2010**

**AAMI – Tampa, FL • 26 – 28 Jun 2010**

**IAMERS booth # TBD**

**AHRA – Washington, D.C. • 22 – 26 Aug 2010**

**IAMERS booth # TBD**

**IAMERS European Meeting – Paris, FR • 8 – 10 Sept 10**

**Location TBD**

**WFNMB♦ – Cape Town, ZA • 18 – 23 Sept 2010**

**(World Federation of Nuclear Medicine & Biology) – held every 4 yrs**

### Religious/world holidays

♦ **No planned IAMERS Events**

Are there meetings, in your opinion, that IAMERS should be attending? If so, let us know. We base our decisions to attend a particular meeting on several factors such as:

- How many IAMERS members are in attendance?
- How many new members did we gain from attending the same meeting previously?
- Are we reaching the right clinicians and spreading the word about IAMERS?
- Does the expense make sense?

We appreciate your opinions.

## IAMERS News & Information

- Invoices for the 2010 dues have been sent out. Please pay your dues as soon as possible. If you have questions about your dues, call us.
- IAMERS will issue the next "Who's Who" magazine in February.
- Please visit the IAMERS website to look at your particular listing. If not correct, let us know.
- Please make best efforts to attend the IAMERS member meeting at 5:30 PM on Sunday, November 29<sup>th</sup> at the InterContinental.
- Please tell us if you can help on a committee. There's plenty to do in areas such as marketing. The more members that can help, the more we can accomplish. If there is something specific you would like to do for the association, let us know.

Comments and opinions are welcome.

Diana Upton  
201•357•5400

## 2009 IAMERS Board of Directors

President – Diana Upton • [dupton@optonline.net](mailto:dupton@optonline.net)  
Vice President – Rick Stockton • [rstockton@atlasmedtec.com](mailto:rstockton@atlasmedtec.com)  
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IAMERS General Counsel  
Robert Kerwin, Esq. • [rkerwin@tbhr-law.com](mailto:rkerwin@tbhr-law.com)

Contact IAMERS @ 877•304•2637 or 201•833•1157

## IAMERS Restaurant Pick for the 2009 RSNA

You know those times when you've planned to have lunch with someone at the RSNA, and you don't want to spend the extra time getting to and from a nice restaurant in downtown? At the same time, you may not want to lunch at McCormick Place. This is the perfect place. The steak is well up to Chicago standards (who does better steak than Chicago?); and it's a very short cab ride from McCormick Place.

Our pick this year is  
**CHICAGO FIREHOUSE**  
*1401 S. Michigan Ave.*  
*312-786-1401*

You've got to love a restaurant with actual poles where you're not expected to slip a Jackson into someone's G-string. This handsome 103-year-old landmark building was a real firehouse, which is fitting, because someone in the kitchen really brings the heat. The prime beef gets marinated briefly in oil and herbs; then it's exquisitely grilled and garnished with puffy onion rings. Do yourself a favor and compare the dry- and wet-aged beef: Tell your companion to get the 16-ounce dry-aged boneless rib eye (\$39), and snag the 22-ounce wet-aged porterhouse (\$45) for yourself. Both are terrific. There is a lovely seafood salad (\$14) chock-full of shrimp, calamari, and crabmeat to enjoy with a wonderful martini made with Chicago's homegrown North Shore Gin No. 6.

Buon Appetito

