



Everybody wants to get into the act.

In Massachusetts 70 state optometrists have filed a class action suit against Harvard Pilgrim Health Care to obtain a contract. It seems that the HMO, the largest in New England, requires patients to be examined by ophthalmologists or designated optometrists. A state senator is planning to file an "any qualified provider" bill, and the state attorney general is proceeding with an investigation of Harvard Pilgrim for possible anti-trust violations. These "any willing provider" laws just keep resurfacing. Could it be that many people are repelled by some HMOs' restrictions to medical practice?

Virtue is its own punishment. It is dangerous to be sincere unless you are also stupid.

Dr Paul Fischer, a pediatrician teaching at the Medical College of Georgia, was alarmed when he saw his two-year-old son "smoking" a straw. The doctor said the little boy said he "wanted to drive a fast car and smoke cigarettes" when he grew up. Dr Fischer decided to test his own son and daughter, and devised a simple research program using a card game with ad symbols (e.g. golden arches, Mickey Mouse, Apple Comp. etc). He dispatched a team to local day-care centers to measure a couple hundred other children, and published his data in *JAMA* in December 1991. The doctor found that six-year-olds recognized the Joe Camel as often as Mickey Mouse and more often than Pepsi's logo. When his research was cited in a lawsuit against R.J. Reynolds, the incredible power of the tobacco industry came to bear upon the doctor and his research. After multiple hearings, years of testifying and lack of support from the Medical College of Georgia, Dr Fischer resigned from MCG where he had spent his entire career, and now has a quiet private practice. He is bitter against the tobacco industry. "They keep you from working on your research and harass you so you never do any again."

FDA to Merck - "The disclaimer does not balance the misrepresentation".

How do you influence doctors that your product shows durability and reliability? Well, if you are *Merck*, and pushing *Prinivil* for hypertension, you hire Cal Ripken, Jr. As every baseball fan knows, Mr Ripken holds the major league baseball record for most consecutive games played. The ad running in the *New England Journal of Medicine* shows a picture of the Oriole infielder, with the words, "Cal Ripken Jr. and *Prinivil*...Both on the job everyday." But wait, iron man Ripken is not hypertensive, and does not endorse *Prinivil*, so *Merck* placed a small print disclaimer to that effect. That won't fly, said the Food and Drug Administration. *Merck* was ordered to discontinue the ad and similar materials immediately.

Advertising is the art of making whole lies out of half truths.

Another bonus of refractive surgery is the need for advertising guidelines. Some rules orchestrated by the Federal Trade Commission are as follows:

1. "Throw away your glasses!" This statement is a no-no; no one can guarantee such a long term result.
2. "The Food and Drug Administration has determined that the excimer laser we use is safe and effective for PRK laser surgery." Not acceptable, because the rules forbid references to the FDA approval status of any medical device in advertisements.
3. If you cite statistic, be prepared to back up the claim. Explicit results will need a study of patient records to substantiate the claim.
4. Testimonials are unethical according to AMA guidelines if they attribute special or unique techniques to a physician.
5. Also banned is advertising which is deceptive or misleading (hey, what else is advertising for?).

Come on, Dr Hall, get over yourself.

Didn't we just go through this a few months ago? In the field of absurd patents, Gary W. Hall, MD has received a patent on a method of making corneal incisions of a "particular depth" and in a "particular direction" when resistance of the cornea against the leading edge of the blade exceeds a "particular level."—? Oh, really? And will there be a particular person to examine particular records to determine which particular surgeons will pay particular royalties?

No poet ever interpreted nature as freely as a lawyer interprets truth.

In our inimitable American world where we are all captives of the legal system, Pillar Point Partners has filed a lawsuit against Barnet Dulaney Eye Center of Phoenix alleging infringement of certain excimer lawyer patents under its control. PPP wants \$250 per-procedure from Barnet Dulaney which operates a custom excimer laser. Imagine the attorneys' joy! They are only in the discovery phase, but already racking up considerable expenses. Physicians Resource Group Inc. has recently announced that it would support the center's defense of the lawsuit, and they are soliciting contributions from us rank and file types. PRG is a practice management company affiliated with Barnet Dulaney. It's a key to the money bin for the attorneys as they collect the required depositions, hearings, engineering studies, research documents, technical data, etc., etc. The struggle will be prolonged, because that is what the winners want. The winners, of course, are the attorneys; the losers are everybody else.

Nothing exceeds the vanity of our existence more than the folly of our pursuits.

In Wisconsin, two researchers reported in the *Journal of Clinical Psychiatry* on a disorder called rhinotillexomania. For most of us, the condition is called nose-picking. Among their proboscis probing promos they found that 65% used the index finger, 20% used the little finger, and 16.4% used the thumb. Two-thirds were relieving discomfort, 2.1% did it for enjoyment, and an amazing 0.4% said they were probing for sexual stimulation.

How awful to reflect that what people say of us is true.

A young man had just been appointed to the Air Force Academy, but threatened to kill himself after breaking up with his girlfriend. He was taken to the hospital and admitted to the psychiatric unit. When his psychiatrist learned that he had been accepted to the academy, she felt it was necessary to inform the academy of what had happened. She did not inform the patient. The academy revoked the patient's admission after receiving the news. The patient won a breach of confidentiality suit against the doctor, but the appeals court vacated the judgment. The court noted that the patient was obligated under the terms of his admission to the academy to "disclose any new illness or injury since completing the final qualifying medical exam." Therefore, the physician could not be held liable for the young man's loss.

Addenda—

- ❖ Persistent central serous retinopathy (CSR) after four months may be improved with laser photocoagulation..
- ❖ Being politically correct means always having to say you're sorry.
- ❖ What does a cow have four of, and a woman just two?—Feet.

Aloha, and keep the faith—rts ■