



I am from the academy, and I'm here to help you.

PrimeSight was launched three years ago by the American Academy of Ophthalmology as a vision care network. Approximately 5,000 eye surgeons paid \$1,000 each to join the plan. PrimeSight has been slow in moving, and members make two primary complaints. The only deal PrimeSight has completed is with the optical chain Cole Vision, which runs Pearle, Sears and J. C. Penney, encompassing about 40 million plan members. However, reimbursement for those eye exams is below \$45, unacceptable to many, and the M.D.s may not dispense glasses to their patients. Another problem is the language of the provider contract which includes verbiage in PrimeSight's "hold harmless" clause that could force doctors to cover damages and court costs for payers even when the judgement is for the defense. Many consider that the contract imposes an unacceptable level of uninsured liability on the provider. A PrimeSight spokesman maintains that the hold harmless clause is what payors are looking for right now, and that is what it takes to do business. So, low reimbursement, inability to dispense glasses, increased liability risk - it is easy to see why PrimeSight is not prospering.

Trial lawyers react to the smell of money like vultures to a carcass.

Laser refractive surgery has rapidly become one of medicine's most lucrative developments. Success attracts a crowd, and the dominance of Visx, Inc. with their broad patents is now under serious challenge. The original work claimed by Drs. Trokel and L'Esperance is alleged to be flawed. A U.S. Patent Office examiner has rejected a key Visx patent of Dr. Trokel, saying his claimed invention was "obvious" in view of previous discoveries. Additionally, lawyers for Dr. L'Esperance have acknowledged that he submitted a back-dated document to the Patent Office in his claim of discovery. As Emerson noted, "Every hero becomes a bore at last." After all, the chief business of medicine seems to be the setting up of heroes, mainly bogus.

So, if Drs. Trokel, L'Esperance and VISX, Inc. Are not the rightful owners of the excimer patents, who is?

The earliest notes on the excimer date back to 1980 in the records of an Air Force scientist, Dr. John Taboada, at Brooks Air Force Base in San Antonio, Texas. In 1983 he had dinner with Dr. Trokel and outlined his work which showed how the excimer could correct visual defects faster and more safely than surgical blades, but Dr. Taboada never filed for a patent. At about the same time, an IBM Corp. scientist named Rangaswamy Srinivasan was testing the excimer and noticed it caused biological tissue to chemically decompose without causing collateral damage. He stated that IBM had the earliest patent which broadly covered use of the excimer on biological tissue, but did not specifically mention eyes. Now Nidek, Co. has begun selling competing lasers, and has been sued by Visx for patent infringement. Nidek seems to have no fear, and of course, has also filed a suit against Visx. Nidek charges doctors no royalties for use of their laser, and has offered to pay doctors' bills if they are threatened by Visx. In yet another complaint, Visx is being sued by Dr. Taboada, the Air Force physicist, for \$80 million in past royalties. The excimer laser - a mother lode for trial attorneys.

The road to success is always under construction.

The reason all the above is so important is that laser surgery is accelerating in the numbers predicted when the excimer first came on the scene. With 400,000 patients in 1998, laser surgery doubled the 1997 output, and analysts predict that 1999 will double that of 1998. Because the procedure has been limited to population centers, Laser Vision is going mobile. The company will deliver a laser and a technician directly to the eye surgeon's office in order to go into markets that can't support a full-time laser. Doctors previously sitting on the sidelines are entering the field. 87% of the surgeons Laser Vision serves do fewer than 20 procedures a month. The company will provide upkeep for the laser and even assist marketing.

There are many reasons for overpopulation, and sex is all of them.

For nine years the Japanese have been debating the use of oral contraceptives, but have found reasons not to grant approval. Despite the fact that western nations have been using birth-control pills for almost 40 years, the Japanese government used such reasons as vascular problems, and fear of

promiscuity, or the possibility of spreading AIDS, as reasons for denial. Criticism of the government position reached a crescendo when the Health Ministry approved the sexual dysfunction drug Viagra in just six months, but continued to ponder the birth-control pill. Now formal approval of oral contraceptives by the advisory panel is expected by the end of June, and nine drug companies are positioned to jump into the market. Analysts estimate that sales could total between \$800 million to \$1 billion a year.

The man who accuses others, always excuses himself.

After the Littleton, Colorado, high school shooting episode, our Congress demonstrated growing enthusiasm for gun control by voting 78-20 for the mandatory sale of trigger locks with all handguns. How bold, how daring! Amusing, but also tragic that our legislators continue to avoid a serious approach to the social problems related to the shootings. Guns have been part of American life since well before 1776, yet only in the past two decades have the juvenile gun problems surfaced. The IQ challenged bleeding hearts, like Rosie O'Donnell, want to blame guns. The same sort of mentality would blame water for drowning and autos for crashes. Our social scientists must look at what has happened in the minds of children, and in our public schools. Parental apathy, one-parent families and latch-key children, indulgent legal decisions, poor school attendance and poor performance, tolerance of misbehavior, and inability of teachers and administrators to punish or expel miscreants - these are some of the problems which must be addressed. Private schools have no shootings because teachers can communicate with parents, they refuse to tolerate bad student conduct, they insist on discipline and require that students learn. Is this all so difficult for our politicians to acknowledge?

Please support the center for research into the heebie-Jeebies.

An American Bar Association panel is recommending that lawyers be allowed to share fees with other professionals. Citing complexity and competition, the panel said that individual clients more than ever before need coordinated advice from lawyers, financial planners, accountants, social workers and psychologists. Some lawyers were unhappy with the prospect and asked, "How can an accounting firm be subjected to the ethical standards of the legal profession?" Ethics? Lawyers? No mention was made of physicians, but the thought of unscrupulous doctors being tied in with plaintiffs attorneys on contingency fees is frightening.

Did the Mai Tai get its name from two Hawaiians fighting over neckwear?

One of life's real and abiding problems is the food stained necktie. Spaghetti sauce, salad dressing, drops of beverage, all seem to migrate to the necktie and render it obsolete. Dry cleaning leaves a necktie limp and shapeless, so once stained, it is dead. Now the solution has arrived-Teflon necktie. Yes, J. C. Penney now markets a Teflon-coated, stain-resistant, Executive Spotless necktie which is selling like non-stick hot cakes. They don't say Teflon or J. C. Penney, they come in fashionable widths and patterns, and women buyers like them. Should they be named after a President? How do they look with aloha shirts?

Live within your income even if you have to borrow to do it.

If you think you are making less money these days, you are correct. For the fourth year in a row the median income for doctors in the United States has dropped (1.4%), according to a survey by the American Medical Association. Since the major area of decrease has been Medicare reimbursement and so much of eye care is for the elderly, eye surgeons are among the losers, although managed care took the blame for the fall.

ADDENDA

- ❖ In the next seven days, about 800 Americans will be injured by their jewelry.
 - ❖ Avoid any restaurant that features Kaopectate on draft.
 - ❖ Don't go back-packing with any couple with his and her rectal thermometers.
- Aloha and keep the faith —rts ■