**The Weathervane**

**Russell T. Stodd MD**

**We have met the enemy and he is—us!**

Like lemmings rushing to the sea, doctors in Hawaii appear to be dooming themselves to the same competitive managed care environment that has fragmented many medical communities in mainland America. Fear and greed, those gut reactions to stress, are boiling and rolling in our island medical environment. The March HMA Council meeting revealed that several members of the Council are acting in concert with their individual hospitals to form organizations to capture and retain patients. Dr Andrew Don has been battling for two years to alert private practitioners to this very danger, and that doctors can act together in a statewide IPA without bloodletting. It is not too late to wake up, but the recent Council meeting was sufficient to produce profound angst. It appears shamefully easy for the insurance bullies to manipulate and stampede the timid. Take Nancy’s advice and just say NO to slugs.

**You could throw this HMO in the river and skim ugly for three days.**

In what may be a landmark case, a malpractice suit in California carried a dual complaint. Two family practitioners cared for a woman under an HMO contract. She complained of abdominal pain, rectal bleeding and abnormal bowel movements, and died of colon cancer at age 35. Her husband and son brought suit claiming that the doctors were negligent in failing to evaluate and refer the patient in a timely manner, and furthermore added the inflammatory complaint of “breach of fiduciary duty.” Attorneys for the plaintiff were able to elicit testimony from the CEO of the HMO that the defendant doctors “lost money” when they referred patients outside the group for a test or consultation. The case drew wide media attention including “60 Minutes.” A jury found the defendant doctors liable for malpractice, but the judge dismissed the second complaint, saying: “There’s no way for the doctors to defend against it.” Still, the issue is now becoming more obvious to the public, three jurors said they are getting out of their HMO, and others said they couldn’t believe this was how HMOs work. The attorney for the defendants admitted that the issue will not go away and that more lawsuits will accuse doctors of selling out their patients’ health for added income.

**Half the modern drugs could well be thrown out the window, except that the birds might eat them.**

When asking patients what they pay for pharmaceuticals, one is often astounded at the variation, with some patients paying a few dollars, while others pay four or five times as much. There is a reason. Fifteen big drug makers, from Abbott to Zeneca, have agreed to pay $408.9 million to settle (why have an embarrassing jury trial?) a class action lawsuit brought by independent pharmacies. The allegation is that the manufacturers offer big discounts to bulk buyers such as HMOs and pharmaceutical mail order companies. The discounting, which began in the late 1980s, has hurt the retail pharmacy business since they must charge considerably more for the same products. While the settlement may sound generous, it has been opposed by many of the 30,000 pharmacy owners. After the lawyers take their substantial cut (don’t you love ‘em?), the individual owners will each receive less than $10,000, but the discriminatory pricing produces losses greater than that in a single month. The annual damages are estimated at $30 billion from the companies’ alleged discount sales.

**Teamwork is essential. It allows you to blame someone else.**

An ophthalmologist performed cataract surgery, and his patient developed evidence of a complication over the weekend. Another eye surgeon was on call, and the problem became worse under his care. Ultimately, the eye was enucleated; the patient brought suit against the primary surgeon and was supported by jury decision. He appealed claiming that he was not responsible for actions of his on-call designee. They were not business partners, but shared office space and rotated weekends on call. The appeal was supported, the jury decision reversed, and a new trial ordered.

**Crime and punishment—the big thieves and the little ones.**

A medical laboratory, Chem-Bio Corp, pleaded no contest to misreading Pap smears of two women, one 41 and the other 29 at the time of death from cervical cancer. Specimens from an HMO Family Health Plan, were sent to the lab and reported as normal by the same technologist. Experts who reviewed the slides said the signs of cancer were obvious. The judge gave the maximum sentence—a $20,000 fine—calling it grossly inadequate. The technologist was paid on a per-slide basis, and records showed she screened several times the recommended number under prevailing guideline.

**MD means mainly disgruntled.**

*California Physician,* a publication of the state medical association, published a survey of 1,141 young physicians (under age 40 years), and found nearly one-third said they would choose a different profession if they were starting over. Eighty percent said their patient care decisions have been influenced by reimbursement or capitation issues. While 90% were satisfied with their patient relationships, the primary complaints related to financial insecurity and the manipulation of managed care.

**The state is made for man, not man for the state.**

New York state has been testing newborns for HIV since 1987. However, in the nonsensical, double-speak world of medical politics, state law requires that such tests be conducted anonymously, and physicians and new mothers are not able to obtain the results of the test! Now, with a few rays of enlightenment infiltrating this absurdity, Governor Pataki has ordered the health commissioner to develop regulations that would require hospitals to ask new mothers whether they wish to be told the results of their babies’ tests.

**Addenda**

- Harris Poll—74% of Americans over age 25 are overweight.
- Latest medical breakthrough—a placebo with side effects.
- The Jews and Arabs should settle their dispute in the true spirit of Christian charity.

Aloha and keep the faith—rts.

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**Response To Stroke**

Unexplained dizziness and lost vision in one eye may be a warning sign of brain attack, commonly known as stroke.

**If you have any stroke warning signs, don’t wait. To minimize brain injury, call an ambulance and get to the hospital as soon as possible.**

SOURCE: American Heart Association 1993