The Weathervane  Russell T. Stodd MD

With friends like these, who needs enemas?

Speaker Gingrich led the House of Representatives in support of the insurance lobby in refusing to halt HMO abuses. If Nuetw were astute he would grab this issue and side with 3/4 of voters and make managed care plans responsible. When the AMA, the unions, the trial attorneys, and 75% of the voting public are in agreement that managed care must be held liable for medical decisions, one might expect leadership to respond. “Republican leadership” is becoming an oxymoron. They have been wrong about women’s rights, wrong about religious freedom, wrong about tobacco legislation, wrong about protecting patients from HMOs, and now some are even recommending that any doctor who legally prescribes drugs to assist suicide (according to Oregon law) should lose his DEA number.

If you think you did something wrong, you’re right.

How many of us have had patients who blacked out briefly with minor surgery in the office, or rarely even with topical anesthetics? In a recent Indiana malpractice case, a physician was held responsible for injuries caused by his patient who had a history of blacking out after vaccinations. The patient lost consciousness while in the doctor’s office, but later was allowed to drive himself home. When he blacked out again after leaving the physician’s office, he collided with another car, causing serious injury to the driver. According to the courts, the doctor was liable, and had a duty to take precautions to monitor and warn the patient following the injection. The court ruled that a reasonably prudent person in the same circumstance would not have permitted the patient to drive himself from the doctor’s office.

It takes most people five years to recover from a college education.

With an incredible degree of rotten taste, Abercrombie and Fitch in their back-to-school catalog offered a full page of recipes for campus drinking parties. On a page titled “Drinking 101,” ten hard core cocktails are described. “Rather than the standard beer binge, indulge in some creative drinking this semester.” Deaths on campus from binge drinking, the fact that 3/4 of college students are under age 21, and that 2,315 Americans between the ages of 15 and 21 died in alcohol-related car crashes in 1996 alone, all means nothing compared to the A&F crass grabbing for profits. Abercrombie and Fitch has become hugely profitable in recent years, largely due to its success with the fickle college crowd. The share price has almost doubled since the initial public offering in 1996. Mothers Against Drunk Driving (MADD) is more than angry and has accused the corporation of placing profits ahead of health and safety for its clientele.

A free country offers what a police state denies—privacy.

The Department of Health and Human Services has some changes in mind which will effect your lives now and forever. Slipped into the health reform law two years ago was a plan for a cradle-to-grave “unique patient identifier.” Moreover, the HHS’s latest plan is that every doctor would apply for and be assigned a one-time eight digit alpha-numeric identifier which he/she will keep forever even with relocation or change in specialty. Another change would require all insurers to accept a standardized claim form. Get the picture? The patient is a number, the doctor is a number, the form is standard. When the Clinton people held a hearing recently, people woke up to this frightening big brother approach and flooded their lawmakers with calls. With the equivalent of a bar code stamped on everybody’s forehead, medical privacy will be as dead as the Clinton presidency.

We spend money the old fashioned way. We burn it.

The story goes that AMA staffers were directed to seek non-dues mechanisms to increase revenue. Thus, a deal was prepared with Sunbeam to endorse certain of their products in order to generate income, much like the American Dental Assn. and the American Women’s Medical Assn. have done with product endorsements. John Seward, MD, the CEO, and Trustees failed to think the matter through and await discussion by the House of Delegates. Dr. Seward signed the contract took the photo-op, and the shiinola hit the fan. The other shoe has dropped and the American Medical Association has reached a settlement with Sunbeam Corp. regarding the proposed endorsement fiasco. Board Chairman Randy Smoak, M.D., announced that the AMA will pay $7.9 million in damages and another $2 million in legal expenses. Very expensive, yes, but still far cheaper than going to court where the cost could have been exponential.

Don’t let a pretty face turn your head.

An anecdote in the Managed Care Interface noted an unexpected cost item at a Maine HMO. A newlywed wife dropped off her husband for his first day of work, and flashed her left breast at him for good luck. A passing cab driver caught the display, and lost control of his cab which careened across a curb and into the Johnson Medical Building. The jarring impact caused a dental tech to slice off a piece of a patient’s gum while she was cleaning his teeth. In painful reflex, the patient clamped his jaw hard enough to sever the technician’s fingers. Moral: when someone else is offered an appetizer, try not to salivate.

There are trains leaving every hours, all headed for oblivion.

In Colorado an intoxicated driver went over a roadside cliff in his pickup, causing serious injuries to himself and one passenger, and another passenger was killed. Because the investigating officers smelled liquor on the driver’s breath, a blood test was taken in the hospital without authorization. Subsequently, when the driver was charged with vehicular homicide and vehicular assault, the trial court determined that the blood test was improperly obtained and therefore inadmissible as evidence. The appellate court vacated the suppression order, stating that the state troopers had probable cause to arrest the man for driving while intoxicated. Congratulations to the Hawaii Legislature (Yes!) because now Hawaii state law provides that emergency room physicians have the right (and duty) in all auto crashes, to obtain blood to be tested for alcohol, and other drugs, without patient consent. As one mainland consultant said, Hawaii is 20 years ahead of the mainland on this issue.

If two wrongs don’t make a right, try three.

Health Care Services Corp. aka Blue Cross Blue Shield of Illinois, pleaded guilty to eight felonies, including conspiracy to obstruct a federal audit and obstruction of that audit. Additionally, there were six instances of false statements based on actions of managers, five of whom have been indicted, and two others have pleaded guilty. Specifically they lied to auditors, destroyed documents, mishandled claims, shredded claims, deleted and manipulated files, shut down the telephone system at times of high volume, all in order to receive $1.3 million in unwarranted bonuses and incentives. The Blues will pay $144 million to settle the Medicare fraud charges, and the whistleblower will get at least $21 million for spreading the news. She first told her story to senior Blues executives after she was told to shred 10,000 unprocessed claims, but they refused to help. She filed a lawsuit under the federal False Claims Act, and as they say, the rest is history.

There are two kinds of people, those who finish what they start and so on....

Numerous investigational studies have confirmed that addicts do like clean needles, and the occurrence of new HIV patients decreases with needle exchange programs. Donna Shalala, PhD, secretary of Health and Human Services has declared that the programs are an effective way to reduce HIV infection rates, but left the ban to federal finding intact. HHS now admits the program works but, for political reasons, won’t provide money, and has shifted responsibility to state governments to decide on prevention strategy. Conservative lawmakers insist that the program increases drug use, but data refute that claim. Estimates are that if federal resources had been available, as many as 10,000 HIV infections could have been prevented since the beginning of the Clinton administration. What’s that line about “an ounce of prevention......?”

Addenda

* Now here’s a spokesperson you can believe. “Viagra is not an aphrodisiac,” said FDA drug boss Janet Woodcock.

Aloha and keep the faith — rts □