Lying Under Oath - A Serious Crime Outside Pennsylvania Avenue.

Who would have thought it? Squeaky clean St. Paul Fire and Marine Ins. Co., one of the nation’s largest malpractice insurance carriers, first lost a law suit when accused of encouraging false testimony, and now has been indicted by the Mobile (Alabama) County Assistant DA on criminal charges of perjury. The case centers around a 1993 gall bladder surgery in which the nurse anesthetist, Wayne Zimlich, saw the patient’s heart rate drop precipitously. He tried to treat her with drugs, but failed to notify the surgeon or anesthesiologist Antoine Savoie, that there was a problem. Lack of oxygen caused brain damage, and the patient died a few months later. The record indicated the patient was anoxic for three or four minutes, according to the nurse’s testimony and the hospital record, but Zimlich later swore the actual time was 10 minutes. Zimlich lost his job with the anesthesia group, and contended that he had informed St. Paul officials that the clinical record had been falsified, and the case was not defensible. He sued St. Paul accusing the insurer of bad faith in refusing to settle the case. Zimlich felt the defense strategy was to leave him to shoulder the blame and to shield the doctor from liability. A second trial made headlines when allegations were made that Zimlich was encouraged to falsify testimony. Damaging memos, E-mails, and letters regarding the inner workings of the defense team became public. The jury found against St. Paul and awarded Zimlich $5,000 in compensatory damages and $10,000 in punitive damages. The assistant DA read the newspaper, investigated the case and issued indictments. If convicted, the medical and legal professionals could lose their licenses, and each defendant could face up to 10 years prison time and a $5,000 fine. Criminal trial due in February.

The Art Of Giving Is To Give Something Which Others Cannot Buy.

Robert Tenery, M.D., Texas ophthalmologist and current chairman of the AMA’s Council on Ethical and Judicial Affairs, stated that prisoners who have been condemned to death have raised the issue of donating their organs. The recent interim meeting of the AMA House of Delegates put the issue before an open forum with some fairly heated debate. Stephen Wallach, M.D., alternate delegate from Hawaii, offered the opinion that prisoners should be allowed to donate their organs, but stated that careful guidelines should be structured, otherwise, a prisoner’s date of execution might be altered because, “we need your heart tomorrow.” Charles Hickey, M.D. alternate delegate from Ohio disagreed, stating that even the discussion of such a measure could be “viewed with outrage as an example of incredible barbarism by the rest of the world.”

Huh? Why is this an issue? If the law allows any sane, adult citizen to donate his organs why should a prisoner be denied the same choice merely because he/she knows the date of demise?

The Obscure We See Eventually. The Obvious, Much Later.

Marilyn Chase writes a health column for the Wall Street Journal and chose the new year to pen a discussion of laser refractive surgery. Describing a 43 year old ecstatic patient who awakens to 20/15 vision, and calls the procedure “a piece of cake,” the column proceeds with booming statistics of 1998 roughly doubling the number of cases in 1997, driven by the success of the laser. But the subsequent commentary depicts less than desirable results such as astigmatism, scarring, haze, infection and halos. 20% of patients require touch-ups to get a more precise result, and many older patients must wear reading glasses. A caveat of up-front cost ranges from $3000 to $6000. Lask is noted to be exquisitely precise, requiring more training and a longer learning curve, and in inexpert hands, the flap can pucker or be sliced inaccurately, impairing vision. Moreover, a UCSF laser surgeon flaunting his glasses, is quoted, “If you don’t mind glasses or contacts, don’t do it. It’s still surgery, and there are risks.” Finally, the FDA has to fight the troublesome flurry of illegal “gray market” lasers imported for individual surgeon use, and surgeons should tell their patients whether a particular application is approved by the FDA.

Might Doesn’t Make Right, But It Never Gives Up Trying.

American Medical Association EVP, E. Ratcliffe Anderson, M.D. has asked the Justice Department to challenge the proposed merger of Aetna and Prudential. It is highly unusual for any medical organization to publicly oppose a private-sector merger, but this one has the potential to do considerable harm. As Dr. Anderson pointed out, “the market power that would be created by this merger would limit the choices of patients, employers, and corporations, it would reduce competition, and further erode the ability of physicians to make medical decisions based upon medical science and the needs of their patients.” Janet Reno and associates should be sympathetic, because this proposed combine could wield tremendous power in all areas of the medical marketplace.

Tomorrow Is Very Much Like Today, Except It Isn’t Here Yet.

The medical turf battles go on as the third parties downgrade quality to cut costs while organized medicine works to maintain quality of care and patient protection. Big bucks are rolling into political action committee coffers in the struggle between the American Society of Anesthesiology and the American Association of Nurse Anesthetists. At issue is the proposal that nurse anesthetists would be allowed to work without being supervised by anesthesiologists. At the present time, the federal government requires doctor supervision when a CRNA is used during surgery for Medicare and Medicaid patients. So far, the Health Care Financing Administration has not come up with its final rule. Over the past two years anesthesiologists have added over a million dollars to their PAC while the nurses have contributed $650,504 to theirs. HCFA officials have stated that they do not know when a ruling will come.

Iris Identification - One More Sign That Your Identity Belongs To Someone Else

In the United Kingdom, Sensar, Inc. has begun a bank pilot program of iris-identification as a means of using ATMs and teller stations in Nationwide Building Society, the country’s largest savings and loan. It’s much easier than retinal identification and more accurate than DNA testing, according to Sensar. The program involves nothing more than a standard video camera to photograph the client’s iris which is then compared with one on file. No additional forms of ID are required. The company plans to hold its first North American consumer pilot soon.

Most Of Us Are Born With Medical Assistance, And Die With It Too.

In Texas, a man was diagnosed with prostate cancer. He lost his job of eleven years, and was very depressed, so his psychiatrist admitted him for care. About a week later, a psychiatrist for the HMO (Merit) phoned the admitting physician and said the patient had used up his hospital days, although he had not reached the HMOs limit. After discharge, the patient went home, drank half a gallon of antifreeze and died eight days later. A lawsuit has been filed charging that the HMO decision to end hospital care for the patient led to his death. Although there is no federal statute allowing such patient protection (Newt sided with the insurance industry and killed the bill), Texas does have a patient protection act (as does Hawaii), so this case is being watched nationwide. The HMO argument is that they shouldn’t be liable for medical malpractice because they only determine insurance coverage. “They are quite clearly practicing medicine,” said Robert Denney, M.D. a Fort Worth psychiatrist familiar with the case. Interestingly, the Texas law has been in place since September 1997, and this is the first lawsuit, not the flood of claims that HMO attorneys predicted.

Every Family Needs At Least Two Cars. Ask The Man Who Owns One.

For two years in a row (1996 - 97) the top cars being stolen in America - (fanfare) - Honda Accord, Toyota Camry, Oldsmobile Cutlass, Honda Civic and Ford Mustang. So, when shopping for a new vehicle, remember that a stolen vehicle is not merely an inconvenience, but also the auto insurance can be several times that of other less desirable wheels.

Addenda

- Like gentlemen, mosquitoes prefer blonds.
- You have the same chance of winning the lottery whether you play or not.
- Restaurant on the moon — good food, but no atmosphere.
- Aloha and keep the faith — rts