The Weathervane

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The Internet Highway? That Sound like a Place that is Long and Boring and Kills 20,000 People a Year.

For those not acquainted with the Internet, take notice. A primary on-line source of information is surgicaleyes.org. While the great majority of patients walk away delighted with the visual results, the website is posted to disseminate information and stories about unsuccessful refractive surgeries. Moreover, in their constant attempts to provide balance, reporters are pleased to relate incidents of dry eyes, halos, and accommodative weakness. Both Time Magazine and ABC’s 20/20 ran feature stories of unhappy patients, and 20/20 included a conservative ophthalmologist who discussed surgeons who are eager to rush in refractive surgery (for others).

Never Miss a Chance to Shut Up.

The first hand held cell phone call was made April 3, 1973. Currently more than 50 million Americans have cellular phones, and that number is expected to increase by 30 million more by the end of the year. More than 85% of cell phoneers admit that they use the device while driving, some occasionally, but 27% admit to using the phone in at least half their trips. The rate of auto crashes in such events is roughly equal to that of driving under the influence. The National Highway Traffic Safety Administration has found that dialing or holding the head set is not the cause so much as talking. Drivers get distracted while yakking and as a result pay less attention to the road. Most accidents occurred in clear view and involved other cars or large objects. The solution may be in stricter laws regarding inattention, attempts at education, or perhaps technology. Just remember, every day it gets more dangerous out there.

Only in America Would a Guy Invent Crack – Something to Top Caffeine!

In Georgia, the Supreme Court ruled that the informed consent law does not require the physician to disclose to his/her patient, aspects of their personal life which might adversely affect professional care. A surgeon addicted to cocaine had a seizure from an overdose, and then sought help. A patient brought suit for fraud and battery, claiming the doctor had a duty to reveal his addiction at the time of surgery. The operation on the patient’s penis resulted in a painful 90 degree curvature with inability to have intercourse. A lower court ruled that the doctor had a duty to reveal the addiction to his patient, and a succession of similar suits sprang up in a dozen states. Now, however, the Georgia Supreme Court reversed the decision, stating a professional’s failure to disclose personal factors does not constitute an independent and distinct fraud action that is separate from a malpractice action. The Medical Association of Georgia and the AMA had filed briefs and letters stating that the law provides adequate redress through malpractice action, and the courts should not create a second cause of action in such cases.

Timing has an Awful Lot to do with the Outcome of a Rain Dance.

Hubris rules in the White House of lame duck William J. Clinton. On three occasions he vetoed legislation a Republication congress offered to restructure welfare. Then he checked the polls and signed on, with the encompassing statement that now he had ended welfare in America as we have known it. Now he has done it again, almost displacating his shoulder patting himself on the back as he signed the bill repealing the earnings limit for Social Security recipients. “This law has long seemed senseless to me. This should be a happy day for Americans of all ages today because a very good thing has been done for the future.” What was not mentioned is that this repeal has been the Republican Party platform since 1964, and on three prior occasions President Clinton vetoed legislation containing the repeal. Thank you, Slick Willie!

Medical Privacy – Patients Must be Allowed to Pull Down the Blinds in their Glass Houses.

In Florida, a Humana physician was terminated as a participant in their plan. When Humana demanded the patients medical records, the doctor refused. Humana claimed the records as “the property of Humana,” and that the records be handed over “immediately upon demand.” The doctor returned records of patients who so authorized, but withheld the rest, stating that the records belong to the patients. Humana sued, and the appellate court upheld the doctor. The law limits the disclosure of medical records without the patient’s consent, his doctor, or his legal representative, and Humana had no authority to obtain the records without the patient’s consent. Humana’s legal people are at the drawing board considering possible changes in contract language.

At Humana the Milk of Human Kindness is sometimes Skim.

And here’s another Humana story. A child afflicted with cerebral palsy required leg braces, and needed specialized care, including speech, occupational and physical therapy. The family enrolled in a Humana plan because they were promised that ongoing care would be provided. Subsequently, Humana removed the child from the program and denied all benefits. As a result of the lack of therapy, her condition deteriorated, and the family sued the Humana Health Insurance Company. The jury handed down a verdict of $79.5 million in damages, all but $1.1 million of it to “send a message,” as one juror put it, indicating that the jury felt the health plan acted without conscience. Humana plans to vigorously pursue an appeal. The lawyers win again.

Learn The Safe Harbor Laws, but not by Accident.

HHS Inspector General June Gibbs Brown has released some new final “safe harbors” to the federal anti-kickback statute. (1) Non-surgeons can invest in Medicare-certified ambulatory surgery centers. Previously such investments in ASCs were limited to surgeons. (2) A referring doctor can arrange with a specialist to refer the patient back to the first doctor when the specialist’s therapy is completed (but it doesn’t protect against splitting a global fee from a federal program). (3) Licensed physicians who practice in a group, can invest in that group, but not in separately owned health care services, such as an imaging center - if the group meets the Stark law definition of a group practice.

Put a Government Agency in Charge of the Sahara Desert, and it would Run Out of Sand.

The insurance and the managed care lobbyists were unable to sidetrack Congress on the patient-protection issue, but now the Institute of Medicine has done it easily. Asserting that as many 98,000 people are killed each year by errors by physicians and related medical care, the IOM has lawmakers rushing to orate and legislate. Senator Teddy Kennedy was the first to draft a bill. He would create a national safety center, a mandatory system of reporting and collecting information about fatal and serious errors, set safety standards for health care institutions participating in federal programs, provide grants for programs designed to reduce or prevent medical mistakes, have the FDA develop a program to minimize confusion in the prescribing and dispensing of drugs. Never mind that the IOM data is old and limited in scope, we are certain to have an additional agency to suck up medical dollars.

How do you Keep Sex Fresh? Put it in Tupperware.

According to a story in the Wall Street Journal, Denmark wants to become the global center for sperm banks. Danes are perceived as blond and blue eyed, and their sperm is coveted for its high biological quality. Stating that it makes good economic sense for the industry to be consolidated, Ole Shou, who heads Denmark’s leading sperm bank, Cryos International, stated, “We think we can be the McDonald’s of sperm.”

ADDENDA

- The eye of the ostrich is bigger than its brain.
- 40% of medical school graduates owe more than $150,000, and currently 46% of students entering medical school are female.
- Irish coffee provides the four essential food groups - alcohol, sugar, caffeine, and fat.
- Carpe per diem - seize the check.

Aloha and keep the faith — rtsp