A Flash Of Light. A Cloud Of Dust And...What Was The Question?

Anybody with two brain cells to crack together is aware of the inherent risk in offering LASIK surgery. When an operation is performed on a patient, presumably with 20/20 corrected acuity prior to the procedure, no patient expects anything less than perfection on the way home. But danger is ever lurking even when the promise comes true. In Arizona, a United Airlines pilot had uncorrected 20/20 acuity, but still won a jury verdict for damages of $4 million. His complaint? His night vision was disturbed because of pupil size, and even though this risk factor is described in the informed consent, the jury found in his favor. His lawyers convinced the jury that pupil size should have been measured in total darkness simulating an airplane cockpit, and not in an examining room. Is this a legal aberration? Probably, but juries are noted for anomalous behavior, presumably dependent on the skill of the plaintiff’s counsel and sympathy for the patient. The underlying, ever-present threat with LASIK is that it is oversold. Too often, the ads promote speed, lack of pain, immediate results, and freedom from optical appliances forever, and that sounds like selling sunshine. But there are rainy days, aren’t there?

To Win This Lawsuit We Need A Good Case, A Good Lawyer And Good Luck.

The first hurdle in the struggle in the anti-trust class action lawsuit brought on behalf of approximately 600,000 physicians (including the Hawaii Medical Association) against various third parties (HMSA) has been cleared. U.S. District Judge Federico Moreno granted status to the lawsuit recognizing the validity of complaints about bundling, downcoding and arbitrary claim denials. The legal battle has a long way to go, but this decision allows discovery to go forward for the first time. Naturally, attorneys for health plans are primed to appeal and are “confident the 11th Court of Appeals will vacate the order....”

What JCAHO Needs Is A Quality Test For Their Inspection.

At the University of Michigan School of Public Health a study appeared in a recent issue of the journal Quality Management in Health Care stating that accreditation of hospitals by the Joint Commission of Accreditation of Healthcare Organizations (JCAHO) was a poor predictor of quality and safety for patients. Even hospitals with higher-than-average rates of deaths and complications received favorable scores. Anyone involved in a JCAHO visit knows that much of the inspection is a data documentation and numbers game. JCAHO has been criticized often in the past. Previously, the Inspector General of the Department of Health and Human Services (HHS) stated “surveys are unlikely to detect substandard patterns of care or individual practitioners with questionable skills.” Paul Schyve, senior VP at JCAHO who accredits over 95% of the country’s hospital beds, rejected the study, and questioned how the research was gathered, what were the measures for death and complication rate, and severity of cases.

Technology Enables Man To Gain Control Over Everything Except Technology.

OraSure Technologies, Inc. has developed a test for HIV which is claimed to be 99% accurate, and can be done within 20 minutes after taking a drop of blood from a finger stick. The test can be extremely useful for health care workers who are accidentally perforated. In doubtful cases they can now determine in 20 minutes if prophylactic drugs are indicated. Previous tests may take as long as 14 days to complete, which is often a period of anxiety and distress while the person awaits the report. Many times, by that time, the person tested may be long gone. Each year 8,000 people fail to return to find out the result. Moreover, of the 900,000 people positive for HIV in the USA, it is estimated by CDC that 225,000 of that number may not know that they are infected. Before the test can come into wide use, it must be approved under the Clinical Laboratory Improvements Amendments of 1998 (CLIA). Bureaucracy strikes again!

Okay, Doc. It Is Time To Develop A Web-Side Manner.

The electronic age is here and many doctors are going online. According to the American Medical Association about 30% of practicing physicians have their own web sites. Most provide the phone number and address with pictures of the office and maybe the doctor (if he/she is not too ugly), designed to attract patients who search for doctors online. However, physicians must be careful about what services are offered. It can be up close and too personal, especially with e-mail. Messages can be easily intercepted through unsecured servers, and doctors can be fined for compromising the confidentiality of patients’ medical records. Then too, information must be up to date, especially about current research which casts doubt on previously held medications or treatment modalities. The recent study regarding hormone-replacement therapy, for example, prompted thousands of messages from women seeking advice. So, when you go on line, be careful of the hook and sinker.

As Flip Wilson Said, “The Devil Made Me Do It!”

In Indiana, a 52-year old man who lost his life savings on the glitzy riverboat, Azar, claims the casino should have known of his gambling addiction, and prevented him from being so stupid. He wants $175,000 back and punitive damages as well. Federal courts have allowed such suits to go forward twice in New Jersey, but both times juries wisely rejected the claims. Whether it’s doomed living, perjury, wife beating, or even abandoning children, the guilty person calls for legal help and the attorney works to provide an excuse. The phrase is, “mistakes were made.” It was first uttered by President U.S. Grant, but extends more recently to the Nixon administration, the Reagan Iran-Contra fiasco, the Bill Clinton episodes and even the Catholic bishops scandals. No one really did anything wrong! “Mistakes were made.”

It’s Sauce For The Gander, But Curtains For The Goose.

Digitalis has been the most popular and widely used medication for congestive heart failure for over 200 years, and was the province of shamans and witch doctors long before that. Now this standard is being challenged. Researchers at Yale School of Medicine found that women react differently to digitalis and the related compounds, lanoxin and digoxin. In a careful study, the Yale team found digoxin had no adverse effect on men, but women had a higher death rate than women on the placebo. After adjusting for variables, the researchers found that a woman’s relative risk of death increased by 23% over time when taking digoxin.

Does Bilingual Mean Speaking With Forked Tongue?

In recent years, a significant group of educational revisionists have fought to mandate that bilingual (English/Spanish) be a part of public education. Interestingly, the supporters of “dual immersion” are affluent, well-educated Anglos who want to see their children come out of public school fluent in Spanish. Now Massachusetts, the last bastion of that irrational idea, has an initiative on the ballot to dismantle bilingual education. The primary movers in demanding English are the Hispanic immigrants. Every survey taken in America of Hispanics has found an overwhelming majority in support of a requirement that all public school classes be conducted in English. Actually, in Hawaii we need English/Pidgin dual immersion. Oh, excuse me. We already have that.

Ah, Excuse Me. Are You Through, Or Can We Play Through?

Police in Norco, California, arrested 15 prostitutes who had come on to the golf course to sell their wares. Complaints had been made that golf carts were being used for illicit activities. No additional details were available, but one wonders if this will alter the location of the driving range, or perhaps even change the definition of the 19th hole.

ADDENDA

❖ 28% of household injuries in the summer are caused by yard work.
❖ 90% of Americans do not know that being overweight increases the risk of stroke.
❖ The top 1% of taxpayers paid 37.4% of all federal personal income taxes for 2000; the top 5% (income $128,336 and up) paid more than 56%. ❖ According to an article in Archives of General Psychiatry, the biblical Samson of the Old Testament who killed a lion with his bare hands and slew 1000 Philistines, suffered from anti-social personality disorder. Aloha and keep the faith — m.