



Government: A Giant Machine Operated By Pygmies.

Four years ago James Edwards, MD, was comfortably practicing ophthalmology in Parma, Ohio. He was using E/M billing codes instead of standard ophthalmology codes. Although this is a legitimate billing mechanism, most ophthalmologists do not use them, so it raised a red flag at Advantage Health Partners, a local carrier. The company decided to report the doctor to the Office of the Inspector General. Perceived as an "outlier" by the OIG, the doctor was hit by the fraud task force, including the FBI, and the roof fell on Dr. Edwards. After his office had been assaulted by the Feds, he was ultimately charged with 96 counts of fraud in three areas; unnecessary surgery, unnecessary preop examinations and inappropriate frequency of patient visits. The Cleveland newspaper *The Plain Dealer*, reported (erroneously) that Dr. Edwards faced 10 years in prison and \$250,000 fine for each charge. Medicare showed up to do an audit, 10 insurers dropped him, and some companies refused to pay him. Eventually at trial, the weakness of the government's case became evident, charges were dropped, and ultimately Tommy Thompson, Secretary of HHS, admitted that the coding process is ambiguous and even the government has difficulty understanding it. So, it's over, right? Will the fraud unit reimburse the doctor for his huge financial loss? Will *The Plain Dealer* restore Dr. Edwards good reputation? Will pigs be flying over downtown Honolulu?

Senators Inouye And Akaka, It Is Time To Wake Up!!

Everyone accepts that it is Democratic senators in Congress who block tort reform. Hawaii's Daniel-duo needs to know that they are out of line with their supporters, since 70% of rank and file party members believe that liability lawsuits threaten access to their doctors. The *American Tort Reform Association's* poll also revealed that two of three Democratic voters believe that liability suits make lawyers rich, but do not improve the quality of health care. But, as everyone also knows, the trial lawyers have purchased the support of enough "liberal" Senators (our own included) to slam the door on any discussion. Senate majority leader, Bill Frist, wants to force senators to be counted on the issue so voters will recognize their bias.

Who Deserves The Nobel Prize? I Do!

Dr. Raymond Damadian, an aggressive, egotistical, abrasive businessman (according to his colleagues) and Dr. Paul Lauterbur, a quiet academician, both were working on magnetic resonance imaging (MRI) in the early 1970s. In 1971 Dr. Damadian published a paper relating how a magnetic scan could distinguish between cancerous and healthy tissue, and two years later Dr. Lauterbur published a paper telling how a manipulation of magnetic fields could produce a two dimensional picture of the bodies interior structures. Dr. Damadian, left academia in 1979 and formed a company to capitalize on his discoveries, and now claims that he properly deserves the Nobel prize for medicine rather than Dr. Lauterbur. Dr. Lauterbur is described as a soft-spoken professorial type, still working at the University of Illinois, and he has refused to comment. Bo Angelin, chairman of the committee that chose the winners for medicine said, "the award is for the discovery, not the person." Hey! Let's not get too serious about this. After all, the Peace Prize went to Jimmy Carter last year largely for bad-mouthing Dubya, and in 1994 it was awarded to that peace-lover Yassir Arafat.

A Good Man Now Days Is Hard To Find.

Following the public utterances of the various Democratic candidates for next year's nomination, it would appear that only one, Senator Joe Lieberman, is friendly toward organized medicine. Apparently not interested in a government dictated single-payer system, Senator Lieberman wants to build on a plan proposed by the *American College of Physicians*. The present pluralistic program would be retained with substantive modifications. Joe Lieberman carries the great respect of many people based upon his willingness to speak with independence on issues like public education and economics, as well as medical care. Moreover, he was the first Democrat to deplore the excesses of the previous White House occupant. I like him.

Contents of this column do not necessarily reflect the opinion or position of the Hawaii Ophthalmological Society and the Hawaii Medical Association. Editorial comment is strictly that of the writer.

We Need More Chlorine In The Gene Pool.

The Stella award is a figurative one awarded for the most absurd law suit of the month. The name relates to the person who brought the lawsuit complaining about McDonald's hot coffee. The current Stella award goes to the Allentown, Pennsylvania, woman who is suing the Montgomery County Emergency Services, Inc., because she overdosed on illegal drugs while in their hospital. Her complaint alleges that the hospital doesn't warn visitors not to bring illegal drugs into the building. A pusher smuggled the drugs to the patient on which she had a non-fatal overdose during her hospitalization. Of course, it was not her fault. Someone else is responsible for her stupid addictive behavior. This attorney must be starving to bring this action.

In Law, Nothing Is Certain But The Expense.

The French national health insurance fund (CPAM) had demanded 18.6 million euros from Philip Morris, Reynolds, Altadis and BAT-Rothmans, all big time tobacco companies. CPAM claimed it had spent the euros treating 1,000 people with tobacco related diseases, and should be reimbursed. The court threw the complaint out, saying it was ungrounded in law. To date, no jurisdiction in Europe has allowed any kind of surrogate action against a tobacco manufacturer. Big business in Europe is not as vulnerable to the creative lawsuits which occur in the United States.

He Was Listening To Heart Sounds But Forgot His Stethoscope.

Dr. Benjamin Zola is a cardiologist practicing in the upper east side of Manhattan. Maybe he is getting too close to his work, because the doctor is accused of opening up a patient's gown and kissing her breasts. The written charges are "forcible touching" and sexual abuse. The judge, in his great wisdom from the bench, dismissed forcible touching by saying kissing the breasts "is nothing more than the friction inevitably produced by the meeting of two skin surfaces during touching." Nothing forcible there! I wonder how he would define a judge with his head up his ____? The misdemeanor sexual abuse charge is still standing.

All Booster. No Payload.

Howard Dean, M.D., former governor of the chardonnay and brie state of Vermont, wants to be President of the United States. He is very gifted at saying things people want to hear, which is important if you want to be elected. He was graduated from Albert Einstein College of Medicine in 1978, briefly was in family practice medicine with this wife, also an M.D., jumped into state politics in 1982, and became governor in 1991. He is much more a Democratic political animal than a physician, so he can hardly be called experienced in the nuts and bolts of survival in today's medical milieu. His chief advisors on health care are Gilbert Omenn, M.D. professor of internal medicine and former CEO of Univ. of Michigan Health System; Donald Berwick, M.D., president and CEO of the Institute for Healthcare Improvement in Boston; Nicole Lurie M.D. assistant secretary of HHS for President Clinton; and Jeffrey Koplan M.D. former director of CDC and president for academic health affairs at Emory University in Atlanta. This bunch of "from the top" planning wonks sound like Hillary's friends from ten years ago who cared about everything except patients and doctors. Plug in Stanford's Alain Enthoven and the group is complete.

ADDENDA

- ❖ Among canines, the greyhound has the best eyesight of all breeds.
 - ❖ Ivan the terrible (and he was!) built the Kremlin, and then gouged out the architect's eyes to prevent him from ever building another like it.
 - ❖ Richard Horner M.D. (nom de plume Richard Horner) wrote M*A*S*H based upon his Korean War experience. He did not like Alan Alda's portrayal of Hawkeye, and was offended by the anti-war bias of the television production.
 - ❖ 16% of Americans have tattoos. The other 84% passed their IQ tests.
- Aloha and keep the faith —rts■**