



We Have Only One Person To Blame, And That's Each Other.

How likely are you to be sued? According to latest statistics, in an average eye surgeon's professional career spanning 35 years, 50% of ophthalmologists will be sued three times. A mere 5% will escape with zero liability complaints, and that number will surely decrease in our lawyer-abundant society. A few of the major pitfalls: (1) Proper documentation The quality of the medical record is of paramount importance, as doctors forget to record phone calls, fail to follow up on lab reports or record referrals, or fail to note instructions to staff, and similar oversights. Write it down! (2) Altered records! Physician credibility goes irretrievably into the toilet, if the chart has been tampered with. No matter what good or appropriate thing you forgot to note, you cannot write it in later, unless so dated. (3) Informed consent! Do not rely on the hospital or surgicenter standard form, frequently presented by a nurse. The surgeon's hand written note in the chart together with a procedure specific document is much better cover for this complaint. It is an imperfect world out there, and to quote Mark Twain, "The truth is mighty and will prevail. There is nothing wrong with that except that it ain't so."

When Arguments Fail, Try Abuse.

The "Nuremberg Files" is a web site specifically designed to list names and addresses of abortion providers, including photos. No American wants to abridge free speech, but producing material specifically designed to encourage deadly action against individuals who are providing legitimate medical care, goes beyond free expression. The law suit brought by the doctors alleging "deadly threats" was upheld by the jury, and doctors were awarded \$107 million. However, a three judge appellate panel overturned the verdict, stating that the content was protected under the First Amendment right of free speech. Now, the U.S. Court of Appeals for the Ninth Circuit will reconsider the decision. Sometimes you have to get two out of three, or maybe eventually, even five out of nine.

Two Kinds Of People - Those Who Think And Those Who Don't; The Difference Comes Almost Entirely From Education.

The overriding question is when, why and how did the definition of scope of medical practice and patient safety, become the province of ignorant politicians and bureaucrats? In the continuous dumbing down of medical care in America, governors in Iowa and Nebraska have decided to allow hospitals and surgical centers to employ nurse anesthetists to provide unsupervised care under a new Medicare rule unveiled in November. Originally promulgated in the Clinton administration, the new rule was suspended for a time by the Bush department of Health and Human Services. Now, thirty-one states have already loosened supervision requirements of CRNAs, and more governors are considering the action. In Minnesota, such an action would overturn the state's own supervision requirements, a situation analogous to the statute in Hawaii.

Many A Pedestrian Is Struck By A Hit And Run Driver.

Medical care is becoming more and more crisis related. Emergency rooms are the focus now as patients may spend extended time there, sometimes even "boarding" there for lack of a hospital bed. Doctors with a nine-to-five mentality contribute to the congestion by directing patients to the ER. This has become so common that about 10% of ER visits are not emergent and amount to minor injuries or sore throat patients. Ambulances often have to divert away from the intended ER because of no space available. In a few cities, they have even been forced to park on the road before finding an ER which can accept the patient. Frustrated on call physicians are reluctant to care for ER patients, for various good reasons, and some have resigned from medical staffs to avoid being obligated to take emergency call. So far, no good solutions have been offered, and the ER crunch is getting worse.

The Most Beautiful Things In The World Are The Most Useless - Peacocks And Lilies, For Example.

Some cosmetic surgeons believe in aggressive marketing. In Bellevue, Washington, an upscale suburb of Seattle, a surgeon sponsors "Botox parties." He gives a 15 minute talk on history and use of the toxic drug, and tells of potential side effects. He then asks each person to sign a consent form. With soft jazz playing, the expectant party-goers chat in the living

room while, one by one, each guest slips away to the formal dining room for a quick injection. Then the patient returns to the living room to a round of applause. A glass of champagne, and some light snacks make for a delightful evening. Across the country in New York, another plastic man, a former champion body builder, has hired a publicity firm to promote pectoral implants and strong chins for men, and buttock implants and belly button umbilicoplasty, for the feminine clientele. The Boston Globe did a story as did the Toronto Star where the reporter said the topic is "too silly not to do." With each newspaper story, the telephone lights up. The not-so-humble surgeon wears a black scrub suit, black surgical cap and black Nikes. His BMW Z-8 convertible sports the license plate "GO NADS."

Never Think That You Have Seen The Last Of Anything.

Another up-to-date marketing ploy comes from doctors who perform certain elective procedures and offer a *money back guarantee*. Supposedly, the trend began with fertility clinics. For years some of them have had "risk sharing" plans that provide for full or partial refunds if the patient does not become pregnant. Now, some eye surgeons specializing in refractive surgery are offering to return the fee if the patient still needs glasses or contact lenses to obtain a motor vehicle licence (not too risky - 20/40 visual acuity in the better eye is the statute in Hawaii). Some dentists, dermatologists, plastic surgeons are providing guarantees for operations such as wrinkle removal, TMJ surgery, hair transplants. In Texas, a urologist uses billboards to offer refunds if he fails to reverse vasectomies. Consumer advocates haven't criticized the promotions, but warn patients to make certain the guarantee is spelled out clearly and the procedure fully understood. Moreover, they warn against signing away the right to sue in case of medical negligence. I'm so old I remember when patients chose a doctor or a clinic based upon credentials, reputation, experience and results.

It Is Easier To Rob A Million Men Of One Dollar Than One Man Of A Million.

The U.S. government collected \$1.2 billion in health care fraud recoveries in the past fiscal year. Sounds ugly enough, however, almost 95% of that \$1.2 billion was recovered from just three settlements. Still, the implication is that physicians and health care facilities are wallowing in federal dollars. The Department of Justice says, "Although the vast majority of health care providers are honest, we cannot allow those who are not, to deplete critical federal funds." The trend to find health care fraud will continue, especially as the HHS has held classes to teach medicare recipients to snoop through your billing details and report any suspicious perceptions. Meantime, the facts are that Medicare is continuing its reduction in reimbursement, malpractice premiums are escalating all over America, and overhead costs continue to inflate.

Look At The Bright Side. He's Not A Priest!

In Westchester County, New York, a candidate was defeated by a huge margin when he was found to be a twice convicted pedophile. He told reporters that he didn't think his convictions were relevant to his campaign, since "there are no children at the county legislature." Apparently, he has yet to meet our Hawaii politicians.

ADDENDA

- ❖ Americans ate 15,000 tons (!) of chips, pretzels, popcorn and nuts during the Super Bowl in February.
- ❖ Be careful down there. On average, U.S. hospitals treat 120 toilet seat-related injuries every day.
- ❖ The flatulence of domestic cows produces one-third of the methane in the earth's atmosphere.
- ❖ What's the difference between Baptists and Methodists? Baptists don't wave to each other in the liquor store.

Aloha and keep the faith —rts■

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.