



Voices of Medicine



By Del Meyer, MD

Items of interest from newspapers, the New Yorker, the Internet and Burlingame.

A Lesson from Teachers

In a remarkable twist, our Governor is handing out \$350 million in bonuses to teachers at 4,800 public schools for raising their students' Stanford 9 test scores. Teachers say this \$591 bonus is nothing short of a bribe, suggesting that they have been holding out against their students. Hundreds of teachers have forwarded these "bribes" to scholarships and charities...

Meanwhile, a health insurer plans to reward doctors for improving the patient's health care, rather than for (yesterday's emphasis) saving costs. Shall we give these "bribes" for medical student scholarships?...

A patient of mine who teaches for the San Juan Unified School District requires a morning dose of Xanax before facing her students. The many district rules essentially prevent her from maintaining order to teach effectively. Her sole objective is getting through the school day without injury or violence...

A doctor from one of the IPAs told me his challenge is getting through the work day navigating the rules of the IPA, insurance carrier, Medicare and hospital as smoothly as possible. He can no longer be too concerned about the patient...Is this the leveling of the professions?

Anatomy and the Digital Age

Joseph Paul Jernigan, a convicted killer, donated his body to medical science. After his execution, his body was lightly embalmed and airfreighted to Denver. There, scientists contracted by the National Library of Medicine performed MRIs and CTs and froze the body solid. The NLM had been looking for an average man who died before disease overtook him. Scientists sawed his body into four pieces, encased the chunks in blue gelatin and began to slice, milling from the feet to the head. The 1,877 cross sections were digitally photographed.

The photos were collated with the CT scans and three-dimensional imaging technology brought the data to life. After months of work, scientists emerged with 15 gigabytes of data of the Visible Human Male, the most accurate human anatomical model ever seen. Jernigan now lives, according to the *New Yorker*, on thousands of Web sites.

Sex Charges - Despite a Chaperone

In 1995, Dan Alexander, MD, an internist in New York, saw a patient for a variety of acute complaints. Although asked, the patient did not divulge her current psychiatric treatment. Her therapists testified that the diagnosis was histrionic personality disorder

and that she had not cooperated with treatment. In 1998, the patient filed a malpractice suit, claiming multi-million dollar damages. An inflammatory front page article appeared in the Jamestown *Post-Journal* headlined "Lawsuit Alleges Malpractice, Molestation." Two years later, the patient voluntarily discontinued the suit, with prejudice. However, after the article appeared, four other patients filed complaints against Dr. Alexander, some related to examinations performed five years earlier.

As a matter of office policy, Dr. Alexander always had a female health care professional present during breast and pelvic exams. The chaperone testified that she observed nothing unusual or improper in the examinations. However, a Hearing Committee rejected her testimony because of her "obvious interest in the well-being of the respondent after working closely with him for several years," and upheld Dr. Alexander's de-licensure. The complete brief is at www.aapsonline.org.

Relieve Pain, Go to Prison

In 1996, investigators arrived, guns on hip, at the Salt Lake Headache Clinic of Dr. Robert Weitzel, demanding patients' charts. They interrogated staff, acquaintances and patients, and reviewed Medicare billing records and practices. When these all passed muster, they descended on the hospital and found a nurse who felt there were five questionable deaths in the winter of 1995 and 1996. A physician was found who rendered an opinion that the care was not standard comfort, end-of-life care but constituted "active euthanasia."

In September of 1999, Dr. Weitzel was arrested on five counts of murder, and had to post a \$100,000 surety bond and a \$25,000 cash bond, despite the fact that two of the bodies exhumed had no detectable levels of morphine, and the third had levels commensurate with the amount prescribed. He was then de-registered by the DEA and has been unemployed since. Dr. Weitzel sold his home, liquidated all his assets and went into debt to pay legal bills. He was unable to recruit witnesses in Utah because of the publicity. Out of state witnesses were threatened and harassed.

Prosecutor's witnesses were paid as much as \$40,000 for their testimony; one of them asserted that administering morphine every three hours rather than every four hours would cause blood levels to rise inexorably. Everyone was stunned when the jury returned a verdict of guilty on two counts of manslaughter and three counts of negligent homicide. When Dr. Weitzel was sentenced to 1 to 15 years in prison, one juror stated, "I didn't know he'd go to prison." The patient charts and a summary of legal events are posted at www.weitzelcharts.com.

Medicare Regulations

Philip Alper, MD, FACP, an internist in Burlingame and Medical Director of the First Data Bank Corporation, refers to Medicare's assault on oncologist John F. Kiraly III, MD, (reviewed in this column recently) in his column in *Internal Medicine World Report*. Ironically, he had just read congressional testimony by Michael Mangano, Acting Inspector General of HCFA claiming that such things do not happen.

"Provider concerns relating to inappropriate investigations and audits are unfounded and both HCFA and the OIG are reaching out to provider groups to reassure them, claiming physicians and other health care providers are not subject to criminal or civil penalties for honest mistakes, errors, or even negligence."

Dr. Alper then refers to his experience with former HCFA Administrator Gail Wilensky at a meeting when he described the corrosive effects of Medicare regulatory activity on physician morale. He was told "our pain is not real because what upsets us is not happening."

I have selected an example of professional homicide for each issue of this column this year. It's difficult to comprehend that Congress and bureaucrats don't understand or even believe the results of their legislative and regulatory actions.

Talking to My Computer

I have decided it is time to get serious about the medical version of Dragon Naturally Speaking voice software on my computers. My consultations, office calls and e-mails are voice dictated right into my desktop or laptop computers and files are sync in an electronic briefcase on diskette from one to the other. This is my first Voices column voice dictated. I'm projecting that my voice will last many years longer than my fingers running on a keyboard. I think I just figured out how to delay my retirement by 25 years. The benefits and efficiencies of the telecom age are phenomenal.

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