



## Voices of Medicine

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By Del Meyer, MD

**Health care's de facto regulators; growing old — and healthy; California and Native Americans; practicing good medicine but getting sued; dogs and early heart surgery**

### **Lawyers Win, Patients Lose.**

Sherman Joyce, President, American Tort Reform Association, reminds the readership of *Southern California Physician* that the current de facto regulators of the American health care system are a small army of fabulously wealthy personal-injury lawyers.

Doctors in Nevada, Texas, West Virginia, Pennsylvania, Mississippi and New York are leaving their state because of increases in malpractice insurance. Trauma centers and emergency rooms are shutting down because hospitals can no longer find doctors to fill them.

Despite doctors winning 60 percent of lawsuits that go to a jury, jackpot awards continue. Joyce reminds us that less than 20 cents of every dollar in tort costs go to patients, while lawyers often walk away with 40 percent or more. He concludes that any serious discussion about reforming our health care system must first begin with a critical look at reforming our civil justice system.

### **What is Healthy, Vibrant Aging?**

Erica Goode, MD, MPH, at the Institute for Health and Healing in San Francisco, writes in *San Francisco Medicine* that "No one can say for sure what healthy aging is. With the average age of death advancing in the US, the focus often shifts to quality of life, especially when illnesses emerge, and we feel challenged to reconsider our relationship to our bodies."

She describes a healthy 109-year-old African-American lady from rural Texas who lived alone in a cabin without running water until the ripe old age of 100, at which time she moved into a Houston nursing home. She was lean, alert, amusing and reasonably active. She had none of the "advantages" in terms of supplements, skin creams, spa retreats, surgery and the myriad other "youth-enhancing behaviors" that many people pursue.

Albert Rosenfield summarized the findings of a 1990 survey of 1,200 centenarian Social Security recipients. "It was clear that, though these individuals worked hard and enjoyed their work, there was a marked lack of high ambition. They had tended to live relatively quiet and independent lives, were generally happy with their jobs, their families, and their religion, and had few regrets. Nearly all expressed a strong will to live and a high appreciation for the simple experiences and pleasures of life."

### **Native Americans in California.**

In *Southern California Physician*, John Hubner, a reporter for the *San Jose Mercury News*, reminds us that the Native American population in California has grown by 38 percent - an increase attributed wholly to emigration from Mexico. In the past decade,

California displaced Oklahoma as home to the most Indians. Nationwide, the American Indian population grew by 26 percent according to the 2000 US Census. Almost half of California's 330,000 full-blooded Indians identified themselves as Hispanic. They are mostly Mixtec (Los Angeles service industry employees), Zapotec and Triqui (Central Valley field employees).

The 50,000 Mixtec in California make them the largest tribe. Most Hispanic Indians don't speak English or Spanish, but languages that sound more like Chinese. They are discriminated against on both sides of the border.

Michael E. Bird, MSW, MPH, the first Native American president of the American Public Health Association, quotes Nixon's message to Congress: "The first Americans — the Indians — are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement — employment, income, education, health — the condition of the Indian people ranks at the bottom. This condition is the heritage of centuries of injustice."

The Indian Health Service notes that the death rates of American Indians and Alaskan Natives are considerably higher than of all other races. In 1998-99, death rates from alcoholism was 627 percent higher; from tuberculosis 533 percent higher, from diabetes 249 percent higher and from accidents 204 percent higher.

### **Top Reasons for Malpractice Suits**

The Alameda-Contra Costa Medical Association (ACCMA) *Bulletin* presents recommendations developed by the Loss Prevention Department of the Medical Insurance Exchange of California (MIEC). Adverse outcomes can occur despite excellent medical care. That explains why almost 80 percent of claims against MIEC physicians (and more than 60 percent of all claims nationally) ultimately are closed with no payment to the claimant, and why defendants lose only a small percentage of cases taken to trial.

Analysis of closed claims and depositions provides insight on why patients sue after an adverse outcome - even when it is not their doctor's fault: weak or inadequate medical history or documentation; inattentive follow-up and undocumented patient education; lack of informed consent or informed refusal; overlooked lab studies and medication problems; doctor-patient and inter-professional communications problems.

For more info check [www.miec.com](http://www.miec.com).

### **The Boston Inquisition**

Richard Deaner, MD, editor of the monthly *Kern County Medical Society Bulletin*, reports of his medical student days in Boston in the 1950s. The newspapers were full of stories about a world-renowned surgeon performing experiments on living dogs.

The antivivisection society marched, held meetings, orated, wrote letters to the editors and thoroughly denounced the performance of surgery on living animals, requesting that the surgeon responds to them at a public forum. There was standing room only as the antivivisectionist dowagers with their lap dogs and their fur coats filled the auditorium. After several hours, there were impassioned calls for revocation of the surgeon's medical license. The surgeon finally rose to speak.

"Ladies and gentlemen. I appreciate your passionate concern for the well-being of animals. Yes, what you read in the newspapers is true. Over the past several months I have operated on twenty anesthetized dogs. I did experimental heart surgery. I'm sad to report that all the dogs died. The twentieth dog, though, survived thirty-two days before it died. Now, I'd like you to meet my twenty-first patient." He walked to a side entrance then walked back to the podium, holding the hand of a healthy-appearing young boy. The papers reported the next day that there wasn't a dry eye in the hall.

[delmeyer@healthcarecom.net](mailto:delmeyer@healthcarecom.net)

Sierra Sacramento Valley Medical Society  
5380 Elvas Avenue #100 • Sacramento, CA 95819  
916.452.2671 PH • 916.452.2690 FX • Email: [info@ssvms.org](mailto:info@ssvms.org)

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