



## Voices of Medicine

---



By Del Meyer, MD

**HIPPA guidelines (finally), leaving Kaiser for private practice, our majority leader's MD**

### At Last - HIPAA's Instruction Book

Curtis Franklin, Jr., reports in Network Computing, [www.nwc.com](http://www.nwc.com), that the federal government has finally issued, after nine years, guidelines for complying with the Health Insurance Portability and Accountability Act. He concludes: "The publication would have been worth its weight in gold nine years ago. But if your organization could use some guidance today on HIPAA compliance...you've got some new required reading." The entire report is at [www.nwc.com/shared/article/printArticlePage.jhtml?articleID=160911499&pgno=1](http://www.nwc.com/shared/article/printArticlePage.jhtml?articleID=160911499&pgno=1).

Also listed are Franklin's three must reads:

1. An Introductory Resource Guide for Implementing the HIPAA, Security Rule (Special publication 800-66) at <http://csrc.nist.gov/publications/nistpubs/index.html#sp800-66>.
2. An Introduction to Computer Security: The NIST Handbook (NIST SP 800-12) at <http://csrc.nist.gov/publications/nistpubs/800-12/800-12-html/index.html>,
3. HIPAA Helpful Hints at [www.hipaa.org/hints/](http://www.hipaa.org/hints/).

### From Kaiser to Private Practice

John Toton, MD, a Healdsburg orthopaedic surgeon reports in *Sonoma Medicine* about his experience when he worked at Kaiser Permanente.

"As an orthopaedic intern at Oakland's Highland Hospital in the 1960s, I met Dr. Jim Johnston, who had established himself at Kaiser Oakland as an orthopaedic pathologist with national credentials. He taught UC San Francisco residents pathology, and his teaching slides were exceptional; I brought his collection with me to residency in Philadelphia. After residency, I spent two years fulfilling my military duties in Okinawa, Japan. The setting was so remote that I lost most of my contacts with California orthopaedic groups, and going it alone seemed impossible. But then I remembered Jim, who became the local contact for my post-military job search. I figured if Kaiser employed doctors of such caliber, I should check it out.

"An interview followed at Kaiser San Francisco, where there was an 'opening.' It wasn't exactly an interview; the physician-in-chief talked at me about Kaiser's history and practice opportunities for more than an hour. I left with an application form and the experience of saying no more than 10 words. I doubt he even knew who I was.

"The next contact, four months later, was a phone call letting me know I had a full load of patients scheduled for next Monday! I didn't even know I had been hired; that was how Kaiser took you on board 30 years ago." Dr Toton outlines these exciting years and how his life changed at Kaiser Permanente.

"And then, quite unexpectedly, probably because the stock market was hot and medical dues were flat, Kaiser offered me an early retirement package that was too good to turn

down. I suspect they wanted the top salaries to move on and to hire younger and cheaper doctors. I was not insulted: although I always felt I was a valued member of the group, I recognized early on that Kaiser is a business and I was an employee.

"I was not compelled to take advantage of the retirement package, but I wanted to see what was on the 'other side,' so I went into private practice. It has been and continues to be a learning experience!"

To read his comparison of private practice experience to his Kaiser Permanente experience, go to [www.scma.org/magazine/scp/sp05/toton.html](http://www.scma.org/magazine/scp/sp05/toton.html).

### **Yanking Bill Frist's MD License**

Will the great state of Tennessee please withdraw Senator Frist's medical license? Barry Sheppard, MD, President of the San Mateo County Medical Association, asks the question in his President's message and makes the argument.

"On occasion, in the history of the world, there have been those individuals who, after having been appropriately credentialed with medical degrees, have exhibited behaviors that fly in the face of the most basic tenets of physician behavior; individuals like Dr. Frankenstein, Dr. Jekyll, and Dr. Mengele, for example. In such circumstances it becomes appropriate for the medical profession to protect the public from those individuals by withdrawing their licenses to practice and, in the most egregious circumstances, to distance the ethical medical community from such a physician by withdrawing that physician's medical credentials altogether, as was done posthumously in the case of Dr. Josef Mengele.

"I would like to make a case for withdrawing the medical license of Bill Frist, MD, our current Senate majority leader. Senator Frist's statements during the debate preceding last month's congressional 'Schiavo' bill was to my mind the final example of a physician gone far astray, but before considering that situation in detail, allow me to provide some pertinent background information that has bearing on my case.

"The basis of the Frist family fortune, which among other things has allowed the purchase of a Tennessee senatorial seat for one of its own, is the Hospital Corporation of America (HCA), the largest for-profit hospital chain in the country, which was founded by Bill Frist's father and brother. Senator Frist's personal investment in the family business is estimated at approximately \$26 million for him and his wife. The senator skirts the issue of 'conflict of interest' by declaring that this is held in a 'blind trust,' the holdings of which are determined by an independent trust manager. The approximate amount of HCA stock is fairly easily assessed by Dr. Frist, however, since he knows how much HCA stock it contained in 2000, when it was converted from a 'less blind' trust, and since he must divulge the amount of income the blind trust generates every year when he files his annual financial disclosure statement to the secretary of the Senate. Knowing these figures he can easily calculate a ballpark figure of his holdings. I am absolutely confounded how anyone can consider this flimsy excuse of a blind trust as removing the senator's conflict of interest. If Senator Frist truly wished to minimize conflicts of interest with his congressional deliberations, I submit that he sell all of his HCA stock. Even then the influence exerted by the financial well-being of his first-degree relatives would not be inconsequential...

"Bill Frist was instrumental in passing the 'Trojan Horse' amendment to Medicare in the guise of the November 2003 drug benefit bill. This bill does little to alleviate the financial burden of pharmaceuticals on patients but codifies a moratorium on negotiating bulk discounts with drug manufacturers, forbids the importation of less expensive Canadian drugs, and opens wide the coffers of federal funds to HMOs, pharmaceutical companies, and corporations that agree to extend prescription drug coverage for their retired employees."

Sheppard concludes: "Bill Frist's actions do not, unfortunately, preclude his ongoing designation of senator. They do, however, speak strongly against his claim of being a

physician. His transgressions warrant the withdrawal of a practicing medical license. We could then only hope that he not publicize his prior inclusion in our ranks."

To read the entire message, including his arguments in the Schiavo case, go to [www.smcma.org/Bulletin/BulletinIssues/April05issue/President.html](http://www.smcma.org/Bulletin/BulletinIssues/April05issue/President.html).

[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)

Copyright © 2000-2008 Sierra Sacramento Valley Medical Society - All Right's Reserved