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COMMENTARY

A PRACTICING PHYSICIAN'S VIEW

*Robert Lee Carter, M.D.**

It will be a tragic mistake for the United States to further allow government intervention in medicine. This will inevitably and most certainly lead to less medical care for the public. There will be hopeless reams of government red tape, inefficiency, bureaucracy, stupendous wastefulness and markedly inferior medical care for our people. All at a much greater cost than what private medicine has delivered to the public for the last century.¹ Nobody says it is perfect, but it really has been, when looked at carefully, extremely meritorious. Medical care is an absolute vital commodity we all have to have and it will not be so attractive and desirable when we find it as dispensed by the efficiency, competency, expeditiousness and compassion of the United States of America Government Bureau of Medicine.

The United States government does not have the talent, the resources, the ability, the motivation, the desire, the intelligence or the real concern to deliver health care to the American people. Indeed, the Health Care System as proposed by the present administration is an anachronous dinosaur that ultimately will be a catastrophic failure at trying to be the physician to our people.² As Thomas Paine (1737-1809) said, "govern-

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1. See generally David M. Frankford, *The Complexity of Medicare's Hospital Reimbursement System: Paradoxes of Averaging*, 78 IOWA L. REV. 517 (1993) (proclaiming that Medicare has created a system of "federal officials [who] [f]rom their great height . . . are expected to peer into hospitals and make important distributional choices").

2. See David M. Frankford, *Privatizing Health Care: Economic Magic to Cure Legal Medicine*, 66 S. CAL. L. REV. 1 (1992) (asserting the current framework of the health care reform debate which embraces "the movement known as health care market reform" is fundamentally flawed).

ment even in its best state is but a necessary evil; in its worst state an intolerable one. . . ."³

Medical care fundamentally and very basically means doing things for people. As a physician, you are required to completely, totally, entirely and enthusiastically concern yourself with the patient. The suffering, distraught patient who has presented him or herself for care and help, often of an urgent, painful, distressful nature, and on top of that often of a complex, confusing nature. It is not a simple thing to take care of the ill public. This is nothing short of an overwhelming task. You need to roll up your sleeves and to start at once helping the patient in need of your skill, knowledge, dedication and assistance. There is no greater privilege in this world than the lot of the physician who has the opportunity to care for the sick, the suffering, the injured, the infected, the afflicted, the disenfranchised and the dying. You want the government to step into this role? Can you just imagine the utter folly of that situation.

Have you ever experienced government medicine anywhere in our country and not found out what a cumbersome, exorbitantly expensive to the taxpayer, wasteful, inefficient system is provided to the patient? Even if you should find yourself so fortunate to qualify for care, it takes next to forever to get it. It is just *de rigueur* for the patient to wait many hours in a government medical facility for very routine and simple services. That is disgraceful and should not be tolerated and should, if there is any rectitude in this world, which at this point in time there very well may not, be corrected.

In the United States, miraculously which is still the envy and model of the total universe for superlative health care, we have literally millions and millions of highly educated and trained, skillful, motivated magnificently diversified health care providers. Let them unleash their talent, skills, accomplishments, expertise and motivation to deliver the health care our people desire, need, want, deserve and should have as has been so well done in this country for over a century. The endurance of the established health care system through such a long passage of time and the fact that it yields such highly qualified, dedicated physicians is a truly remarkable achievement.⁴ It is a proven system which despite enormous hindrances with red tape and regulations from multiple sectors of society, especially, government: i.e. Federal, State, county and city, has still pro-

3. THOMAS PAINE. COMMON SENSE 65 (Isaac Kramnick ed., 1986).

4. U.S. GENERAL ACCOUNTING OFFICE, HEALTH CARE: PROBLEMS AND POTENTIAL LESSONS FOR REFORM 1 (1992).

vided excellent medical care. Perhaps it is society's plight to be incapable of appreciating the *arete* of this health care system; for as William James once wrote:

Most people live, whether physically, intellectually or morally, in a very restricted circle of their potential being. They make use of a very small portion of their possible consciousness, and of their soul's resources in general, much like a man who, out of his whole bodily organism, should get into a habit of using and moving only his little finger. Great emergencies and crises show us how much greater our vital resources are than we had supposed.⁵

Medical care to be worthwhile is a most personal item. In most cases, it must be provided by each health care worker to the individual recipient who needs it, i.e., the suffering distraught patient. To further move the Federal government in on this most delicate, fragile, intimate, intensely personal, and caring relation-ship will prove to be immensely short sighted.

To the tremendous extent the government, by which I mean all and every conceivable branch and that is a multitude, the insurance carriers, the health care and hospital administrators, have moved in and gotten quite a free ride on medicine's mighty shoulders. Their number is more than a legion and as a consequence they are one of the most serious problems presently encumbering medicine. This all has resulted in medicine being debased, damaged and depleted, while diminished care has resulted for those who need it.⁶ Furthermore, it is my opinion that this overwhelming presence of so much extensive government administration in medicine is largely responsible for the greatly increased cost of medical care. Just remember those health care industry and hospital administrators make up in the hundred thousands of dollars per year, and yet, do so little to help medicine. Most of what they actually do is detrimental while their salaries are all chalked up to the cost of the health care system in the United States. This is just one of many reasons why "health care" has become so exorbitantly expensive and continues to rise in cost much to the consternation of all concerned.⁷

5. THE LETTERS OF WILLIAM JAMES 253-54 (Henry James ed., 1920).

6. See generally U.S. GENERAL ACCOUNTING OFFICE, EMPLOYER-BASED HEALTH INSURANCE: HIGH COSTS, WIDE VARIETIES THREATEN SYSTEM (1992) (discussing factors contributing to health insurance cost increases and the decreased level of health coverage and care).

7. See generally U.S. GENERAL ACCOUNTING OFFICE, U.S. HEALTH CARE SPENDING: TRENDS, CONTRIBUTING FACTORS, AND PROPOSALS FOR REFORM (1991).

Before people extol and clamor for more Health Care Reform, as presently being proposed by this administration, (what they really are saying they want is more government medicine) they need to take the time to try to carefully and completely analyze just what it is they are proposing. Please just stop and look at it this way for a brief minute. How would you like to have the government step in and tell you how to run your home? Does this sound preposterous? Why not? Just as everyone has a right to medical care surely everyone should have an equal right to a roof over their head, and of course, this should be provided by the government; but would there be strings attached to this largesse so munificently bequeathed to us by the statesmen patriots in Washington?

Suppose our government does give us this Utopia is it not just common sense they are going to insist on giving you endless regulations telling you how to run things from A to Z? Is this what we, the independent, resourceful, zealous, intrepid, courageous, proud American people want? Perhaps the better question is what on earth have we become? Our real problem is we have evolved into nothing but less-than-resourceful, spoiled, over indulged, petulant, greedy, selfish, indolent, narcissistic (which says it all in one word) people.

I, by no means place the medical profession, practitioners and academicians alike, at the bottom of the list. Indeed we are high on the list, perhaps we share first place with the lawyers, the politicians, the media, the labor leaders and for that we are all to be reprimanded. We are looking for too much of a government "hand out". With the most respectful apology to the great Bard, the fault in all of this is not in our stars but in ourselves. All of this needs to be amended and corrected. No question, the short comings of our American physicians have done much to so-to-speak ruin our fantastic medical care giving enterprise in the U.S.⁸ However, I submit to you most of the fundamental fault in all of this is the role that we the American people have freely chosen, that is, through inertia to let others run our lives for us. We seem to be saying we are just not capable of doing it ourselves anymore. We need supportive, benevolent Uncle Sam to boost us up. We know he is the one to put new life, new meaning, new dimension, new zest in the system; so all of our people everywhere, no matter what their condition or status can have accessible, affordable medical care *ad lib*.

Please dear, potential patient, remember Uncle Sam is no other than

8. See Bernard Ficarra, *Twentieth Century Indicators of Change in American Medical Practice for the 21st Century*, 6 J. CONTEMP. HEALTH L. & POL'Y 1 (1990).

those towering figures of rectitude and integrity in our national Congress whom we may be sure continuously and compassionately concern themselves with the suffering, needy and poor in our population to insure that they will get the medical care they require. An eighth grader knows this is ridiculous because our Congress has suffered from four decades of one party rule and now almost totally corrupt rule. These oafs and their minions are dictating the present catastrophically short sighted health care legislation. Many of the laws are so ambiguous and ill thought out that they actually contradict themselves.

Common sense, always an uncommon commodity, has long ago been thrown out the window. This situation is not, however, hopeless but it is extremely close to that diabolical position.

All concerned here, medicine, government, the citizenry, the insurance and pharmaceutical industries, nursing, the nursing home and hospital industry need to get their priorities back in order. We need to stop being constantly lambasted by the media and the press. They unremittently escalate the problem by only pointing to its weakness, almost never its amazing, indeed even legendary accomplishments. By berating things long enough most come to start to believe it. At that, as we all know, even the most unsophisticated, the media are masters. Everybody, doctors included, are putting themselves first while the patient is just about abandoned to the wastebasket. That is so wrong. At this point the system is indeed inverted and needs to be rectified. Top to bottom, through and through, reform must put the needs and requirements of the patient first and foremost.

We need to get the deadening hands of the federal, state, and local governments out of the delivery of medical and health care services to the public. The more you continue to let the government element in and unfortunately and very sadly, that is the only present trend, the worse things will get. Let the camel in the tent and you have a major problem. The socialists have truly been crucifying medicine for more than a half century in the United States. Just to substantiate that remark, our all knowing government has decided pathologists should not be paid for reading and interpreting cervical PAP smears. Under Medicare, physicians are not paid for reading electrocardiograms. The government is very swiftly taking away the physician's right to earn a living.⁹ Physicians deserve some of this as many have overcharged and gouged the public for a long time. Our time of recompense is at hand. But why ruin medicine

9. See, e.g., Frankford, *supra* note 1, at 523.

for all to correct the abusers? Believe me, medicine is plenty competitive now we have over 600,000 physicians and medical schools are turning out new practitioners in record numbers. Then there are all of the multitude of ancillary health care workers again all willing and eager to do their parts. This treasure should not be further dissipated.

We need to let our medical health care enterprise in the United States get geared up again. American private medicine gave us the finest system in the world which it built from virtually nothing. How good do you think medical care was a hundred years ago? It was worse than terrible, things now are bad again. Medicine should be given a chance to stay alive...

Let the competitiveness of the millions and million of workers in the health care industry go back to full work without the hopelessness, endless restraints of the government on them. Competition and freedom use to be the American way, governmental control and restrictive regulation were the ways of the Soviet Union and please just consider the condition of their health care industry. It is a shambles, it is abominable. If you get sick in Russia you are indeed in bad straights.¹⁰ American medicine should not follow that dismal path. The inept leadership that we now have in medicine, government, the hospital, pharmaceutical and nursing industry have to be removed.

Competition and competitiveness have made our country what it is. Our good people are still indefatigable in their desire to truly help their fellow man. We have to stop taxing our people to death for spending on every idiotic boon doggle project that comes down the pike. Wasteful, wasteful spending by all concerned in the area of health care is one of the fundamental reasons why it has become so outrageously expensive. No one, and I mean no one, is motivated to try and get the cost of this monster down to size; ergo, the dinosaur gets ever larger. The motto now is the more you throw away on organizing medicine and broad comprehensive outlines for universal all encompassing health care the better off we will be. Do not believe this loose talk. The U.S. now has huge health care bureaus with enormous elephantine building quarters, packed to the gills with administrators, planners of almost every conceivable type, economists, statisticians, usually far out in left field scientists, secretaries galore, clerks *ad infinitum*. These individuals just let the programs roll and this umbrage of course is all added on to health care expense. Washington now wants to intensify and increase all of this, we should try not to let

10. See Eleanor Randolph, *Soviet Medicine in Dire Straits: Drugs, Hygiene and Supplies Come up Short*, WASH. POST, Nov. 18, 1991, at A1.

that happen. Make contact with your senators and members of congress and let them know how you feel. Remember they too will require medical and nursing services. One on one they are often very much with us.

You may be sure three quarters of what is spent on supposed health care in the U.S. is just nothing but waste. More than that it drags down our entire economy. What needs to be accomplished? We need substantive tort reform so some of the defensive medicine which is practiced by all can be cut back. The trial lawyers are spearing us all. We have to wake up to this nightmare. There must be an abolishment of so much government red tape in medicine. Now when a physician goes to a nursing home to try and help the elderly, suffering, depressed, debilitated, depleted patient there are meaningless forms from here to the sky for the doctor to fill out. Medicare and Medicaid are just as bad. Again this is so wrong as the patient is not put first. The health insurance industry needs stem to stern restructuring. The almost total failure of these organizations, the Blue Cross Blue Shield Health Care Companies and Empire Health of New York are an outrageous disgrace.

This is, and has been for decades, tremendously destructive of medical care. Patients count on their health insurance for assistance at a time of urgent need and they will not be getting it from these inept duplicitous individuals that are supposed to be running these companies. They are not doing their job. In truth maybe it cannot be done at anything like a reasonable fair amount of money. They should at least have the honesty to admit that and not keep talking endless amounts of money from the public and coming up with precious little in return. This would be first on my list of things to do to try and get things back in some semblance of order.

Physicians need to go back to work. They take too many days off, too many vacations, too many medical trips. Office hours for all should be extended. Ever hear of the forty hour work week? Granted most MDs are fairly hard workers and put in long hours but many do not. That all must stop. Offices should be open from eight to five, Monday through Friday, with provision for the public to be cared for on holidays of which there are far too many. We so need good, comprehensive, affordable, health insurance. Now so much of what is offered are prepaid health care plans and our public so abuse them that it lends to tremendous increase of costs for all. Doctors can and should try to do a lot to help correct that. Too many unnecessary medical and surgical procedures are performed in our hospitals. I think it is really disgraceful about the excessive number of hysterectomies, tonsillectomies, transurethral resections (pros-

tate surgery) and coronary by pass surgery procedures which are performed. We do not need all this surgery. As Emily Dickinson warned, "Surgeons must be careful when they take the knife, underneath their frail incisions stirs the culprit life." These procedures are so costly. It too, like the less than statesman-like politicians and the media who are the masters of our fate, they are all continuing to ruin medicine. That is where the reform is needed. Those are where the changes should be made before the whole system comes to a stalemate i.e. like in Poland. If you need medical care there the only way you get it is to pay for it illegally under the table. Not a pretty sight for what should be one of man's most noble professions.