

Lead by example

CMS should try providers' standards, take a cue from Thomas Jefferson

By: Thornton Kirby

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What would Thomas Jefferson think of the Recovery Audit Contractor program?

I studied American government at the University of Virginia, where Jefferson's commitment to the illimitable freedom of the human mind is alive and well, buttressed by a student-run Honor System. In four years of college, I never witnessed any student lie, cheat or steal. On the wall of my office is a framed poem about the university's greatest legacy to its students. The poem is called "The Honor Men," and it was written in 1903 by James Hay Jr. (long before women attended the university).

The poem begins with the words "The University of Virginia writes her highest degree on the souls of her sons," and it concludes with the phrase "I have worn the honors of Honor, I graduated from Virginia." This poem—and the spirit of truth and honesty it embodies—were front and center during my entire collegiate experience. My years at Jefferson's university reinforced what I learned as a child—that success without honor is tantamount to failure.

After college, I became a healthcare attorney and practiced law, helping numerous clients understand the laws of our state and nation and manage their business affairs in a manner consistent with those laws. I left the law firm to work for one of my clients, a regional medical center, because I witnessed firsthand that institution's commitment to caring for the sick and the dying, regardless of their circumstances. I watched physicians, nurses and administrators struggle to meet their patients' needs in the context of a regulatory and legal environment that valued process more than outcomes. And I was embarrassed by how convoluted and rigid Jefferson's government had become.

Years later, I became chief executive officer of the South Carolina Hospital Association, where I have been fortunate to apply my experiences in government, law and healthcare. I believe in right and wrong more than ever, and I take great pride in representing the tens of thousands of people in our state who spend their waking hours taking care of other human beings who are less fortunate. (I'm not naive; I know these healthcare professionals get paid to do it, and I know many of them are paid very well. Yet I know many other people who are paid very well—or better—without helping anyone other than themselves.)

But I have begun to lose faith in the government Jefferson and his contemporaries bequeathed to us. Jefferson once said, "A wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government." I recognize and agree that government must sometimes regulate industries—particularly when it has made a heavy investment or when its people are at risk. Healthcare is such an industry, given the heavy investment in Medicare and Medicaid and the vulnerability of many patients. But the need to regulate doesn't justify taking from the mouth of labor the bread it has earned, to use Jefferson's words.

Jefferson would find himself disoriented by the way our government does business in 2009. The Recovery Audit Contractor program, for example, accomplishes its covert mission of reducing government spending on healthcare by less than honorable means. Rather than notifying patients and caregivers that the government doesn't want to spend so much on healthcare and simply adjusting what will be covered, the CMS develops ultracomplex rules for coding and billing medical procedures. It also allows care to be delivered in good faith by hundreds of thousands of professionals across the country, and then reviews past invoices and determines the caregivers didn't deserve to be paid in the first place. Where's the honor in that?

Many leaders of our government—the evolutionary byproduct of Jefferson's government—are exerting great energy these days to paint healthcare professionals as greedy, self-serving mercenaries who will do anything—including defraud the government—to pocket more money. Are you kidding? The healthcare professionals I've met care for people every day with the foreknowledge they will never be paid for the effort they expend or the risk of exposure they assume.

And never does the CMS admit its billing and coding system is more complex than the Internal Revenue Service' tax regulations; never does the CMS admit it changes its billing rules monthly or weekly (as opposed to the IRS, which changes its rules annually). The CMS never takes responsibility for creating a system so complicated that honest people will invariably make errors. That saddens me about this nation whose laws I have sworn to uphold and protect. And if I'm disappointed, what would Jefferson think? If our government is so intent on ensuring fair play and honest dealing, I for one am ready to see government take the lead. Let's restore honor to the way we conduct our nation's business.

Instead of building convoluted rules and then auditing and interpreting them until the government achieves its desired budget cuts, let's debate what we can afford to cover and then pay the honest caregivers who render their services in good faith.

Thornton Kirby is president and chief executive officer of the South Carolina Hospital Association.