

Local attorney addresses healthcare reform issues

Robin Burris
Staff Writer

Victor W. Buchanan, an Asheville attorney who has taught health care management at UNCA, discussed medical malpractice reform as proposed in the Clinton health care system last Thursday night. Buchanan talked about what the Clinton health care plan has suggested on how to handle the subject of medical malpractice. We should look at health care reform from every angle, said Buchanan.

"The word 'reform', it's legal definition, means to correct, but also to rectify, or to amend, or to remodel," said Buchanan. Politicians "want people to think that when we talk about reform, we're talking about correcting something, but we also want to keep in mind that it might be remodeling something which might not be positive. It might be negative," said Buchanan. The "creation of alternative dispute mechanisms" is already being practiced without the need of federal legislation, according to Buchanan. This requires consumers to submit

claims against providers, said Buchanan.

Buchanan said that the way it is worded, it sounds as if consumers do not want this. "By and large, patients who have a claim against a physician or a hospital want to do that. They have always wanted that," said Buchanan.

"What this, in effect, does, it requires the providers to talk to those who have claims, which is good. That should be no problem. It is always better to talk than to fight," said Buchanan.

"Litigation should always be a last resort," said Buchanan.

If the consumer wants to pursue the matter in court, he is at an economical disadvantage, according to Buchanan.

Buchanan said that there are congressional proposals that, if the consumer loses his case, he has to "pay the fees that were incurred by the other side."

"Now that sounds good, in theory, and this is something that the insurance industries have always wanted because the consumer is put at a disadvantage," said Buchanan. "The reality of a malpractice claim

is that, in any claim of a malpractice claim from the institution, the insurance carrier will have basically unrestricted resources for that particular case, whereas the consumer does not," said Buchanan. This could make a person question taking a claim to court because of the costs he would have if he lost the case.

"They don't have the financial resources," said Buchanan. A person may have a very serious claim, "but they can't run the risk of total economic disaster," said Buchanan.

A requirement of a certificate of merit is another proposal by Clinton, said Buchanan. A form of this already exists, said Buchanan.

When a person goes to an attorney and says that he is injured due to a physician, the attorney has to get a "medical expert" to verify the claim, according to Buchanan. Clinton's proposal would make this more formal, according to Buchanan.

"There is no limit on what that specialist can charge for that affidavit. Already, it's very expensive for the consumer/patient to obtain the expert information from a physician, said Buchanan. "But now the physician that provides

that evaluation can say, 'I have to sign this legal, formal document,' and so, therefore, it's going to cost you more than in the past," according to Buchanan. The affidavit could cost the consumer more, due to this proposal, according to Buchanan.

Tracking repeat offenders is another suggestion in the Clinton health care plan, said Buchanan. "This is important. This is something that should have been done a long time ago."

"The Department of Health and Human Services will establish rules for public access and information contained in the National Practitioner Databank. It says we've reformed it, and we're going to track repeat offenders," said Buchanan.

There is the question of how consumers will get the information, said Buchanan. "And how many times do you have to amputate the wrong leg until you're a repeat offender? Is it three strikes, does it take five times, six times, ten?," said Buchanan.

There is also a question as to what happens when reports about a doctor aren't made. Will there be any action taken against a person for failing to make a report, said Buchanan.

Lecture, continued from page one

dominated, and, for the most part, all measures of public opinion showed steady increases in support," said Sabo.

In the mid-1960s, "press coverage was overwhelmingly supportive, stressing heroic actions of soldiers and pilots..." said Sabo. He said the information the public was receiving was "the impression the administration wanted to leave."

Pessimism increased as the war continued, said Sabo. The battle at Tet largely contributed to this. "In short, Tet undermined public confidence in Johnson's ability to govern," he said.

There were abuses of presidential power by both Johnson and Nixon during this time, he said. Two long-term consequences came as a result of this. New legislation, which made presidents more accountable, was passed. Also, Sabo said future presidents underwent more scrutiny for their actions.

Among the networks, combat "footage" declined. Stories of drug abuse among American soldiers and of racial conflicts within the army

were prevalent.

Sabo said Americans became "isolationists" after the war and were more likely to want their government to stay out of foreign policy or involvement in other countries. He said "the war in Vietnam critically constructed the ability of the federal government to finance a real... assault on poverty."

He said America was faced with a social revolution, in many ways, after the war. There were draft protests, increased domestic violence among blacks, and the fear of the middle classes of "the total breakdown of family and social discipline."

He said the war created many changes and drove some of the American public into the "arms" of Republicans as a result.

George Yates, assistant professor of management, said lectures such as these are funded by the World Affairs Council. He said membership contributions are the only way these types of lectures can continually be supported.

The UNCA delegation to the North Carolina Student Legislature recently passed the following resolution:

A RESOLUTION CONCERNING THE ANIMAL POLICY AT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE

WHEREAS: A significant amount of pets are present on the UNC-Asheville campus on a regular basis; and,

WHEREAS: Animals may be dangerous or may carry diseases; and,

WHEREAS: Many pet owners who bring their pets on campus are in violation of the animal restraint policy of the city of Asheville; and

WHEREAS: It is difficult for the University of North Carolina at Asheville's Department of Public Safety to effectively enforce the restraint policy of the city of Asheville due to a lack of equipment and capability to capture and detain animals; and,

WHEREAS: No animal, with the exception of seeing-eye dogs and laboratory animals, is permitted in any University building;

THEREFORE BE IT RESOLVED that the University of North Carolina at Asheville delegation to the North Carolina Student Legislature supports a policy which would prohibit the presence of pets on the University of North Carolina at Asheville, with the exception of seeing-eye dogs, hearing-ear dogs, and other animals required by handicapped persons, and laboratory animals; and,

BE IT FURTHER RESOLVED that the University of North Carolina at Asheville delegation to the North Carolina Student Legislature urges the Department of Public Safety and Administration of the University of North Carolina at Asheville to take measures to inform all students, faculty, and staff of the current policies regarding animals on campus.

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WEEK OF MON., MAY 9

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Hours 9AM - 3PM

SATURDAY, MAY 14

Bookstore open 10 - 4
Commencement 6PM
SENIOR APPRECIATION DAY

SENIORS . . .

Caps and Gowns
Announcements . . .
are still available in Bookstore

TUESDAY, MAY 10 - SOLAR ECLIPSE

SUNDAY, MAY 8

Mother's Day

EXAM BREAKFAST

May 9th 8:30p.m. - 10:30p.m.

In the Dining Hall
Everyone is welcome!

Take a break from studying and be served by the eager faculty and staff of UNCA! The following people have graciously agreed to serve at this semester's exam breakfast:

Denise Snodgrass
Robert Yearout
Tom Byers
Jim McGlenn
Pete Williams
Bill Spellman
Carol Schramm
Mike Honeycutt
Dede Allen
Larry Wilson
Bill Hackney

Barbara Halton
Eric Iovacchini
Sandy Glass
Dot Sulock
Lloyd Weinberg
Don Lisnerski
Katie Meier
Linda Franklin
Tom Hunnicutt
John White
Laura Johnson

Thanks!

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Commencement, continued from page one

to the commencement rehearsal. The chancellor's office also will pay for a reception for graduates preceding the graduation ceremony.

The commencement speaker this year is Dudley Flood, the executive director of the North Carolina Association of School Administrators, a non-profit, private organization consisting of secondary education administrators. A former eighth-grade math and science teacher in Winton, Flood joined the North Carolina Department of Public Instruction in 1970, serving in several capacities, including associate state superintendent and ombudsman to the state superintendent.

He's been in his current job since 1991. UNCA also will present him with an honorary degree during the commencement.

Flood is well-known for his talks on educational reform, effective schools, and cultural diversity, according to a press release.

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