

COMPLIANCE TODAY



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A publication for
health care compliance
professionals

A black and white portrait of James R. Herron, a middle-aged man with a mustache and glasses, wearing a dark pinstriped suit jacket, a white shirt, and a patterned tie. He is looking directly at the camera with a slight smile.

meet
James R. Herron

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Letter from the CEO

ROY SNELL

Hounded by regulations, even on vacation

As compliance professionals we deal with regulations all day long. Recently I learned that even while on vacation we do not escape them. I just returned from an unbelievably restful vacation in a very remote and serene location.

My wife, our four girls, and I make this trip once a year to a cabin purchased by my grandfather 70 years ago. It is on a deserted 45 mile-long, nine mile-wide island in Lake Superior. My grandfather stayed all summer and used the cabin to write many of the 90 children's stories he published. There are no roads, electricity, running water, and very few people. There are harbors, inlets, coves, and 400 smaller islands around the main island. There are lakes on the island only accessible by foot and there are islands on those inland lakes. It is called Isle Royale and it is an archipelago of serenity.

There was a fox at our door, a moose swimming in our harbor, and loons singing all day and night. We saw northern lights, shooting stars, and the big dipper was so bright we needed sunglasses. Rarely did we see people or boats. There are no lights or noise that we are normally accustomed to hearing. There is no electricity, cell phones do not work, no running water, and the 1920 cooking stove requires wood to function properly. It is a marvelous step back into a simpler time. Even the *National Geographic* magazine on the shelf is dated, August 1948.

The reason such a large island is deserted is that the government passed a regulation designating that the island become a national park in 1940. At the time of the government takeover there were dozens of commercial fisherman, resorts, and several families that had cabins on the island. Commercial fisherman and resort owners were evicted and their buildings were burnt to the ground. The cabin owners were given a choice between a check of about \$500 or keeping the cabin for the life of the current family members. At the death of the last family member the government would burn the cabin

and you would receive no money. If you took their offer of \$500 your cabin was burned as soon as you left.



Many cabin owners sold out because they mistakenly thought the government would bring too many tourists, overpopulate the island, and ruin the experience. There are 10 cabins left now. I have two uncles on our "Life Lease." My Uncles are in their late 70s. Soon we will no longer be able to use our cabin. One uncle has given us permission to put him on indefinite life support; however, it is more likely we will be spreading his ashes next to the ashes of our cabin (which, of course, is illegal due to a government regulation).

The government's intent was to return the island to its original state. They believe it to be one of the few biological ecosystems in the world. For instance, the island has a wolf population that fluctuates from about 12 to 40 depending on the moose population which fluctuates from about 700 to 1,500. When there are a lot of moose, particularly old slow moose, the wolves do well, and their population increases. When the moose are few in number but young and healthy, the wolf population quickly drops.

All of the animals are "trapped" on the island which is in the middle of a lake so temperamental that it once snapped a boat named the *Edmund Fitzgerald* in two. Flora and fauna can neither enter nor leave the island easily. The ecological balance is contained by Lake Superior. The government has returned the island as close to its original state as possible. There are strict regulations about where you can go, when you can go there, and what you can do when you get there.

There is a plaque on the island dedicated to the man who fought for the regulation to take over the island. On this trip I stopped, looked at the plaque, and thought once again, "How odd—a plaque to the guy who stole our utopian cabin." Only in America.

I am often asked what I think about the government takeover and the fact that in a few years we will lose our cabin. My answer has always been the same. I am glad he did it and he

deserves a plaque for it. Actually, I believe that those of us who sacrificed our property to save the island should be on the plaque. However, from the government's perspective, listing those who were evicted doesn't have quite the same ring to it.

If the government had not taken over Isle Royale there might be a road down the middle of the island lined with resorts, restaurants, a big casino, and a landing strip with a wind sock. Thousands of cabins would probably line the shore and cover many of the 400 small islands that surround Isle Royale. At any given time there could be thousands of people on the island.

Last year there were only 18,000 visitors a year to Isle Royale, some national parks have that many visitors in a day. Human population on the island is monitored and indirectly discouraged by the strict government regulations. It seems ironic to me that the overpopulation the original "sell-outs" feared was exactly what the government prevented. I am sure many cabin-owners regret selling out.

There is a small island across from our dock called Musselman's Island that had its two story cabin burned 50 years ago. While I was sitting on my dock one day last week an old man in a small boat pulled up and introduced himself as Musselman Jr. himself. Like everyone, he griped about the government but despite the fact he has no cabin, he was still coming to the island 50 years later. Would he still be coming if the island looked like the city he currently lived in? What would be the point?

My grandfather went there in 1932 to get away to a remote location. That was its appeal and value. Although we and others have lost our cabins they would have been "spiritually worthless" by now anyway because the original reason for going there would have been destroyed by capitalists (I love capitalists, but we need to protect a few places from them). What would Isle Royale look like in an unregulated country? Would profiteers have ravaged its trees, minerals, and wildlife? Many beautiful pieces of land have been significantly changed by "progress."

Don't get me wrong, I am extremely disappointed that we will lose the cabin. I cannot describe the wonderful experience it is to sit on our porch overlooking Tobin harbor and listening to

the loons sing. It has become an annual family retreat of rejuvenation and bonding. Our last day on the island will be a terrible day. It is irreplaceable. Regulations stole our cabin and saved Isle Royale. From the big picture perspective, I would say it was a reasonable trade. From a small picture perspective it is an extraordinary personal sacrifice by our family.

Regulations often hurt a minority of people while attempting to help the majority of people. Regulations get old and need to be fixed. Regulations cause a lot of additional work. Regulations sometimes do not go far enough and other times they go too far. Some regulations are indefensible. Collectively, regulations affect our country's living style, personality, and culture. Look around the globe and you will see unregulated countries. In my opinion, under-regulated countries work no better than over-regulated countries.

When you get tired of fighting with the oftentimes frustrating regulations it is helpful to step back and look at the alternative unregulated approach some countries take. Without regulations people can suffer spiritually, physically, and economically. To achieve the overall benefit of regulations we have to take the bad with the good. When you are out there dealing with the complaints such as "Why do we have to do this?", "This is not fair!", and "This makes no sense.", it helps to know that without regulations the environment we created in the United States would not work. There is no perfect system.

Compliance professionals can proceed with a greater conviction and peace of mind if you understand and support the overall purpose and impact of regulations. It helps to support the notion that you must support the bad with the good for a regulatory system to work. For the system to work we can not just support and comply with the regulations that make sense. If you don't believe that regulations, despite all of their problems, are necessary and are overall very helpful, your job as a compliance professional will be very painful. ■

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