

August 1999

Message from the Information Manager

Jon Pulling, CBCP

It is time once again to select candidates for the MVP award for our chapter. The requirements are simple. The individual should be an ACP member in good standing. The choice is agreed to by our Board (and can be a Board Member). The person should be someone who provides outstanding service and value to our Chapter, be that knowledge, enthusiasm, participation or/and interface with others.

If you would like to nominate someone for MVP, send their name to John Link, chapter President. Nominations will be open until the October meeting, at which time a vote of the membership will be taken. The winning candidate's name will be forwarded to the National office by November 1st for formal recognition.

Report of July Meeting

Rod Taylor, representing HAL-PC was the speaker for the July meeting. HAL-PC is short for Houston Area League of PC Users. With over 13,000 members, it is the largest computer users group in the world.

HAL-PC is a non-profit corporation formed to facilitate learning in all areas and disciplines through individuals teaching each other and the community how to obtain maximum benefits from personal computing. HAL-PC was founded in 1982 with about 20 members, some of whom migrated from CP/M machines. From the start, the basic philosophy has been the same: helping each other use computers more effectively and become more productive in their application.

In their large, permanent facilities, they offer some 70+ SIGS (Special Interest Groups), two instructional labs, a BBS, in-office access to the internet where users can download software and surf the web, and a Credit Union. Also, free e-mail through the BBS, monthly general meetings with major software vendors and sometimes smaller specialty vendors; HAL-NET, a members-only internet system, and an outstanding monthly magazine. They also offer free workshops on how to use the BBS and internet, and a very large help "committee" of volunteers who have made themselves available to assist fellow members in more than eighty-five software programs.

For more information on HAL-PC, their office number is (713) 993-3300 or web site at www.hal-pc.org.

August Meeting

Tuesday, August 10, 1999

Subject: CIMM Y2K Preparedness

Speaker:

Place: IBM, 2 Riverway, Room 1501

Lunch and networking: 11:30 – 12:00

Presentation: 12:00 - 12:30

The South Texas Chapter of the Association of Contingency Planners meets regularly on the Second Tuesday of each month at 11:30 a.m. in RM 1501 of the IBM Building at Two Riverway, Houston, TX.

Upcoming Conferences

August 11 –16, 1999

National Emergency Management Association (NEMA) 1999 Annual Conference

Des Moines, Iowa

For Info: (606) 244-8000; or
www.nemaweb.org/index.cfm

September 12-15, 1999

**DRJ Disaster Symposium and Exhibition
Orlando, FL**

For Info: (314) 894-0276; www.drj.com

If you know of any conferences or meetings, national or local, that should be included, please let me know by the end of each month. I will be happy to include them in the list.

Miscellany

Our Secretary, Connie Scales, is updating the information on the membership roles. She is missing a number of e-mail addresses. Could you please send her a note with you e-mail address so she can update her records. Her address is cs2001@txmail.sbc.com or call her at 713-567-8675.

Much has been written about the Y2K status of the healthcare industry, most of it in a negative light. I ran across the following article and thought it might provide some information and resources for those who are interested.

**The Computer and Internet Law Department of
Becker and Poliakioff, P.A.**
Computer Tip of the Week

Healthcare and Y2K

by Brain Nelson

"At least you have your health," Granny always said, but then the year 2000 computer problem (Y2K) might have slipped her mind. The entire healthcare industry is particularly exposed to Year 2000 problems. It's a legitimate cause for concern, and the solution is most definitely preventative action.

Y2K impacts healthcare in many ways. For example, hospitals, clinics, pharmacies, and insurance companies all have highly computerized mission-critical systems that rely on detailed information about patients, insurers and vendors. Many of these institutions are interconnected with each other, and the most serious Y2K problem can mean patient death or business failure.

Another example is Medicare, which provides government medical benefits for the elderly and some disabled. The Healthcare Financing Administration (HCFA) administers the Medicare system. It has indicated that its priority concern is making sure payments go out and enrollment services continue after New Year's 2000.

HCFA says it's on track internally, but it relies on more than 60 outside contractors and intermediaries to process and pay nearly one billion Medicare claims per year to Medicare recipients, hospitals and providers. HCFA set a December 31, 1998 "deadline"—it looked more like a target date, and it's already been extended once. The deadline called for hospitals and healthcare systems to submit Y2K compliant Medicare claims by year-end 1998. To keep track of these and other Medicare Y2K developments, you might start at www.hcfa.gov/y2k.

Then there are problems with medical devices that will have problems or fail. Some medical devices rely on microchips that may not be ready for the year 2000. If there's a pacemaker out there which is not Y2K compliant, I'm all for finding that before this year ends.

An FDA Advisory in December 1998 acknowledged that a defibrillator and a patient monitor both experienced problems with their internal clocks. The FDA's Advisory was in response to an Internet forum which received numerous messages concerning at least fifteen types of devices which supposedly have problems.

Failures of medical devices could cause serious injuries. For example, some laboratory equipment could produce incorrect test results when it miscalculates the patient's age. Reportedly, some intravenous pumps might administer incorrect dosages of medication. These pumps are programmed to be calibrated regularly to ensure they work properly. But if they can't recognize they were properly calibrated, they might shut off—or fail to shut off properly—in the Year 2000.

Simply displaying incorrect dates doesn't necessarily put patients directly at risk, but accurate medical reports are important for diagnosis, care and reimbursement. In addition, some companies want to integrate medical devices with electronic patient records.

If you're a patient, don't panic. For now, just be aware.

If you're a healthcare provider, do your research and investigate whether the device is Y2K compliant. Some research groups have reported that possibly less than 2.5% of medical devices have Y2K problems. While that percentage may be low, it may feel like 100% to you if your patient suffers from the device's failure.

There's a lot of good information about medical devices available online. The Federal Drug Administration's Center for Devices and Radiological Health is responsible for monitoring the safety and effectiveness of medical devices in the U.S. For more information, see <http://www.fda.gov/cdrh/yr2000/year2000.html>. To search for particular devices, you can start there or look at the National Institute of Health's clearinghouse at <http://oirm.cit.nih.gov/biomedpub/>.

If you're a provider, pharmacy or medical device company, and you fail to address Y2K, you could be sued if the patient is injured. The patient might allege that you were negligent and failed to exercise reasonable care to identify and address Y2K problems. Remember that Y2K problems are usually foreseeable. Hospitals and healthcare facilities are also subject to federal and state regulations.

If you are a director or officer of the organization, then you have a special duty to your company. You shouldn't assume that your director and officer insurance policy will cover Y2K. If you're a physician, consider malpractice claims. Make sure that you take the appropriate steps now and document those actions very carefully. Your lawyer should be guiding you on this.

Another area of concern for healthcare and Y2K is being paid for services rendered. The ability to bill insurance companies, and the insurance companies' ability to pay, is a major concern. Healthcare runs on computerized payment systems. Just like any business, a provider can't survive if it can't collect on its accounts.

One of the most significant Y2K lawsuits to date involved medical office management software. The program couldn't process dates after December 1999, and the class action lawsuit alleged that the software company should have known that its product wasn't Y2K

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compliant. In December 1998, they settled the dispute, and Medical Manager Corp. agreed to offer the Y2K patch for free. This resolution may indicate a trend. Software companies need to consult with an attorney before charging for a Y2K patch.

Many hospitals obtain accreditation from outside organizations that rate their performance. For example, the Joint Commission on Accreditation of Health Organizations ("JCAHO") provides certain standards and guidelines, and then reviews hospitals. JCAHO has said it will crack down on Y2K compliance in 1999. Its manuals call for every hospital to implement strategies to address Y2K issues.

JCAHO surveyors will ask providers whether the organization is working to identify problems, upgrade software and equipment, and deal with outside parties that may not be compliant. Providers will also need to consider community disaster scenarios related to Y2K in emergency planning, and develop back-up plans to handle disruptions that are not identified ahead of time. JCAHO will issue lower scores to hospitals that fail to deal with Y2K. A good starting point on the Web for Y2K and hospitals in general is on the American Hospital Association's Y2K Web page located at <http://pso.aha.org/y2k>.

Other major problems might occur in buildings and environmental systems if they're not Y2K compliant. Elevators may revert to the basement because their clocks, which run on computer chips, do not work. Some alarms systems, emergency generators, air and heating systems could fail.

The pharmaceutical industry is also challenged by Y2K. Companies are addressing internal and external Y2K problems. Drugs are time-sensitive and require careful tracking of expiration dates. Also, they rely on complex distribution systems. If the delivery mechanisms aren't working, then the pharmaceuticals might not arrive in time.

Drug dosages are also precisely measured at various stages by manufacturers, pharmacies, clinics, hospitals and nursing homes. Systems to measure the right amount, administer the correct drug, and deliver it to the correct patient on time, often rely on computer records or devices with microchips.

Don't believe them when your Y2K consultants say, "This won't hurt a bit." Becoming Y2K "ready" or "compliant" is costly. But it's worth the investment now to identify all of your exposure and limit your long-term losses. Unfortunately, some entities may refuse to devote the money and management resources to become compliant on time.

Developing countries are even more at risk for Y2K health problems. The World Bank recently reviewed

efforts by developing countries to deal with Y2K, and concluded that governments should take urgent steps to protect critical sectors, including healthcare. It is estimated that only 15 percent of 139 developing countries surveyed had taken significant steps to fix their Y2K problem.

Developing countries have limited resources, and recent economic crises have diverted attention away from Y2K. Healthcare and major infrastructure failures will put their citizens' health and economic well being at risk. And, this could lead to an international crisis.

Your physical and fiscal health is important, and you should do your research now. Providers should look internally and externally for potential problems, contact vendors and suppliers, and conduct tests. A careful audit by your attorneys and Y2K consultants can help protect against lawsuits and preserve your legal claims against others. Healthcare consumers should carefully choose providers and consider any problems they may have getting proper medications or relying on medical devices.

As in the practice of medicine, the law will favor preventative Y2K efforts, and both the provider and consumer's health will benefit. Fixing Y2K takes time and resources. If you catch the Y2K bug too late, you'll discover there is no miracle drug and the damage may be permanent.
