

Re: IDSA GUIDELINES ATTEMPT TO NARROW THE DEFINITION OF LYME DISEASE AND PROMOTE A LEGAL STANDARD OF CARE THAT CAN BE USED BY INSURANCE COMPANIES AND STATE MEDICAL BOARDS

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- *From:* "the 3rd Man" <sir_der05@xxxxxxxxx>
 - *Date:* 28 Nov 2006 09:59:07 -0800
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Greatcod wrote:

Jesus, 3rdMan, doctors do not and will never do what lawyers do--read the law on a case by case basis.

First, Cod, no, I ain't Jesus...(that's some other guy blaspheming). (Just joking).

They don't have time. They memorize

the basics on a lot of things, diagnosis, treatment, medication side effects, and then they get out there and guess. That's their job; they are never going to demand of each other that they know the details. There is far too much to know--how many Lyme journal articles--3,000??..and 8 million articles in Pub Med about various aspects of medicine.

Yes, but what I am really suggesting here is WHO is LEGALLY responsible for a patient's care.

What all the Lyme advocates seem to want to do is to hold the researchers responsible.

And that's wrong legally, and wrong tactically, in my opinion.

LOOK...everyone seems to acknowledge the fact that most GPs do NOT understand the intricacies and subtleties of the ELISA/Blot. AS you, yourself have acknowledged, most will end inquiry if one or the other

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is deemed 'negative'.

So, if you really want to help people...WHY don't you expend your energies in efforts to counter what the LDA claims is language that suggests you must "confirm" extracutaneous symptoms? (Therein lies a lot of the problem, I think. The LDA seems to have "jumped the gun" over the word "confirm"). Everyone's an editor.

Remember that this publication was intended for the use of trained medical professionals and that terms used sometimes have meanings that are not customary in general usage..."terms of art".

AND...ask yourself if, in reality, you aren't holding the IDSA people to an impossible standard...that is, that the difficulty and complexity of this material is an actual reflection of the real difficulty and complexity presented by the actual disease!

But from a legal basis, the law has an answer for you...the LEGAL standard of care upon which a physician will be judged to have committed malpractice is established in COURT and depends on what a doctor would be expected to do and probably, in the case of Lyme, depends on the degree of endemicity in the area.

The legal standard is, in a sense, a minimalist standard...the duty below which a physician's care must not fall.

I would assume that a physician who does follow these guidelines in treatment...PROBABLY (depending upon individual circumstances) is going to be able to present good evidence of having practiced according to the known state of the art.

The operating reference is the "Standard of Care", not the details of journal articles.

And the Lyme Standard of Care is exactly what the IDSA guidelines are designed to impact.

Well, as I have said elsewhere here...you are talking about two different, although inter-related concepts...a medical standard and a legal one.

So far as insurance companies go...look...if they want to deny treatment, they can...and NOT based upon the Guidelines, but the clinical trials that the Guidelines cite to.

Very clearly within the TREATMENT GUIDELINES the practitioner is encouraged to familiarize themselves with the diagnostic issues...(thus acknowledging, that 'this ain't really what we are talking about here').

And yet, that's what the LDA reacted to. Why? Probably because they misread a sentence in the "executive summary" portion and for some reason, want to make some sort of show right now.

But the larger question still exists...seems to me, at least.

Look...everyone seems to agree that if a patient is diagnosed and properly treated early, then the patient has a good chance of full recovery.

So, the point of impact is in the "duck"s office.

SO...just from a perspective of tailoring your solution to meet the problem...

....WHY attack the TOP of the food chain?

You see my point?

(Am I explaining it well enough)?

But basically, I guess I am somewhat disturbed by what seems to be an attempt to bring someone to task for their opinions...and that is very troublesome, whenever you see that...whether it is the KKK, or the Nazis...or the IDSA...or anyone else you happen to disagree with.

You don't try to "criminalize" freedom of speech and the expression of opinion in this country, supposedly.

I can only assume the people who are leading this charge just really don't understand some key concepts here.

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