

JORDAN'S JOURNAL – 2008

I saw the best minds of my generation destroyed by madness, starving, hysterical naked
(Alan Ginsberg, "Howl")

Not much of a masthead, but continual confusion confronts us and the profusion of publications and explanations of a nation's behavior echo attitudes attributed 50 years ago. Atlas Shrugged while drugged "angel-headed hipsters" went On the Road when they heard the world Howled at moons misbegotten round a world gone rotten with corroded core values. Cynicism is risen over criticism, the dualism of our desires dueling daily as we gaily gloss over our loss of outrage.

Tiny bubbles popped in many markets while radio waves crashed with the demise of Don Ho and Imus show that racial preference persists as one headed for a nap, the other awake.

The moral justification for capitalism lies in the fact that it is the only system consonant with man's rational nature (Ayn Rand, Atlas Shrugged)

Predatory lending needs mending as yearns were spun out of control of those whose role was to keep the threads of threats to debts tied tightly, but subprime vehicles submerged and leaked like a SIV. Real estate was a real escape after stocks scraped white knuckles under pressure from inflated aspirations.

The only people for me are the mad ones. The ones who...burn, burn, burn
(Jack Kerouac, On the Road)

This is the story of America – everybody's doing what they think they're supposed to do
(Jack Kerouac, On the Road)

Tossed between Iraq and ruin, we Tehran a new one in their neighbors and wonder why our allies lie the same as those we'd save. The Simpson movie makes more sense, though the way he sought some pay made OJ a real dough nut. Which gets a rise from those whose cries for health reform can't realize that pooling or mandating are a far cry from creating global cooling, despite the schooling Gore and Michael Moore can lessen.

I don't believe in anything. I'm just here for the violence
(Kurt Vonnegut – RIP 2007)

Our senses shocked by shoppers shot in malls, and the calls that went unanswered by the med techs in Virginia, who still hear cell phones ringing in their sleep.

If it weren't so much so much the same, or if it had another name, we might somehow avoid the shame that comes from failing to forge the lessons of the past from a crucible that can outlast the tenacity of mendacity. Sports heroes in the throes of disrepute, large grants the stock in trade for paid dispute, dot coms' improved connections don't compute, making it harder to refute the thought that money is the root of all evil. Then again, Ayn Rand asked "have you ever asked what is the root of all money?"

And so it goes
(Kurt Vonnegut)

WORLD NEWS

There's no reason that goodness can't triumph over evil, as long as the angels are more organized than the Mafia (Kurt Vonnegut)

We can't all bend it like Beckham but there's always a slant to a page given to the world stage and its many players. In sum, it's news to some but the noisome cries and whispers of conspiracy blow up and offer a cinematic glow to those who should know better. International artists come and go, and those with more notoriety go completely, or not quietly, hung up on their prior platform. Saddam had snapped already but we had to rope him in while reaching the end of it when our allies desert us in the Middle East. Tony Blair's not there, it's over Down Under and Jacques won't flock across the channel once he gets a good reception at home. "I ran a risk," Bush says, but which Nuclear threat he means while he demeans the meltdown that is felt down in DC is unclear. Oil smudges one's vision, as prices soar and barrel rolls beyond our targets, and whether Chavez or Al-Fez, the winter weather heats up the debate. Will we move next door, and will Congress let the war continue or expand, the demand for peace vying with supplying guns for butter? And so character assassination continues while the real ones are condemned from afar.

In more united states, the global fates are cast with votes to merge the New York Stock Exchange with Euronext. The NASDAQ will be back after being denied a bridge to London. Trading rooms get hushed, less rushed, brushed aside by computer models and machinery humming tunelessly but ceaselessly programmed with great ingenuity, but not, alas for ambiguity. It's odd to think our hopes and dreams are encased in chips we cannot see. Even banks e-merge with fewer people and the deals get bigger. In the bidding for ABN-AMRO, both Barclays and Royal Bank of Scotland landed blows with ammo aimed at the "promise to hasten the long awaited financial integration of Europe and with it the creation of a zone of financial power that is the logical outcome of a continent wide trading bloc with a common currency" (Business Week)

International examples are still held up as paragons of principles behavior, principally because they appear to have a better run system for delivery of health care. As with any debate, both sides make telling points, but the selling comes from cinema and the Cannes-do attitude exhibited by those with an agenda (see "Reviews")

We could have saved the world but we were too damned cheap
(Kurt Vonnegut)

NATIONAL NEWS
(“All the news that fits” – National Lampoon)

In retrospect (Bush) makes somebody like Nixon look pretty good (and) we would be far better
off with Nixon than Bush (Norman Mailer, RIP 2007)

When the President does it, that means it is not illegal
(Richard Nixon)

All this happened, more or less. The war parts, anyway, are pretty much true
(Kurt Vonnegut)

Nancy gets antsy and Harry Reids runes
While Bush lamely ducks, he still calls the tunes

Reeling from feeling he might lose the war
We Kerry guilt for not voting for Gore

Alleged privilege his upbringing shows
The door when Karl Roves and Gonzalez goes

Dragging, then flagging, wrapped in Stars and Stripes
Barred from bearing witness to General gripes

Reforms cannot form with shifts in spending
Drifting to the middle ceased from sending?

Old bills go on hold debates now unfold
About who pays what in stories extolled

Fifty years ago, Colonel Nicholson, upon surveying both the results of his leadership and the efforts of others to destroy it for the right reasons, had a moment of clarity. His last words were “what have I done?” We don’t ask Kwai any more, but do wonder if the bridges built by Bush can be truss-ted to connect us to a point. We hear the train coming, but fail to see the light. Now it’s just a question of might and the power of inquiry.

By saying that our leaders are power drunk chimpanzees, am I in danger of wrecking the morale of our soldiers fighting and dying in the Middle East? (Kurt Vonnegut)

Do terrorists pay their cable bill? Thus they’re able to see the bills brought before Congress’ floor. Pontification won’t save the nation but debate about our fate in an open quorum forum lends decorum but also disgrace to markers we gravely place with decorations.

These august chambers lack the heart to start attacking two fronts, beckoning backlash, lacking cash for either, their attention wandering from deficit to disorder at the border and beyond. So the war drags on while fire breathing speeches create more hot air.

In politics, as on a sickbed, men toss from side to side in hope of lying more comfortably
(Goethe)

Bush should be resigned...to his fate, as his legacy leaves legatees little hope while the Yellow Rove of Texas wanders home. Gonzalez beats a Speedy retreat as Attorneys in General lie toward defeat, his persecution for providing prosecutors with political priorities passed without Presidential pardon. As others leave, the urge to purge is almost satisfied.

Bush gets whacked and the odds are stacked against his making progress against Congress, success in picking a successor or finding a father confessor to absolve him from what he could not solve himself. Faith and sin and all that's in the lyin' pride that goeth before the fall elections.

Too bad 90% of the politicians give the other 10% a bad reputation
(Henry Kissinger)

Some stall in restrooms, others call girls to the best rooms, but Pelosi can't police when peace relies, in truth, on a slender Reid of Senate hopes. The first 100 days seemed longer, as opposition grew much stronger both in the Midwest and Middle East. So the last thing Democrats could do is what they did. While gas emissions will decrease, their emanations did not cease in the nation's capitol. Nothing passed, bottled up in committees and entreaties for some impact on what the polls had tracked as congruent with constituents' needs.

Offer them what they secretly want and immediately they become panic stricken
(Jack Kerouac, On the Road)

The centerpiece was Bush's plan to cover most Americans through credits, breaks and ease of use by raising debts, the stakes and abuse without responsibility. The question is whether the cure for social ills is more costly than what's diagnosed, as even the most liberal opined.

By George

- 1) Improve health care information technology
- 2) Expand Health Savings Accounts
- 3) Increase price transparency
- 4) New purchasing pool created
- 5) Buy coverage across state lines
- 6) Medical liability reforms
- 7) Promote prevention and fitness

I think I've got it

In summary, here's what was of no avail, as each of these was doomed to fail along with Bush's borrowed "initiative" in the most recent session of Congress

Dingell wants Single Payer (national health) as he has every session for 40 years
Proposed Medicare for All (government run through private entity) where we would choose from the same plans as the Federal FEHBP pool
Tax of 7% on employer and 1.7% on employee
(this whole bill was later dropped and absorbed into a Kennedy proposal)

Baldwin and Bingaran	State grants – giving states money to carry out a broad range of cost containment strategies
Enzi	Purchasing Pools – fewer carriers and more enrollment should somehow cut cost
Kennedy	Took over most of Dingell proposal for national health care
Kerry	Universal Coverage: funded with refundable tax credits (come again?) Federal government will pick up all catastrophic loss instead of carriers (why?)
Stark (raving)	Americare – a version of Medicare for all with 1:1 subsidies and employers paying 80% of the plan costs (whatever they may be)
Wyden	Terminate exclusion for employer paid premium; or Universal coverage with state help to set up purchasing pool Employer pays 2 to 25% of payroll into the “system”

Well, not exactly

We also did not see Mental Parity, improved IT, or the necessity to knock the SCHIP off Bush’s shoulder aside from his real concern “(This) bill moves the health care program away from its original intent of covering poor children by providing insurance to kids in some families making as much as \$83,000 per year”

The “loyal opposition” to government proposals to assist the uninsured include those who do, who don’t or don’t want time wasted on agendas they don’t share. The “Health Coverage Coalition for the Uninsured” includes AMA, AHA, AARP and a lot of other A’s – along with Blue Cross/Blue Shield and Kaiser. This group and others pitch in with platforms but don’t dive into devilish details. The essential objections, which are mirrored by Labor Groups, are:

- 1) Does not help uninsured because the cost of care (then coverage) does not decrease
- 2) Employer coverage or commitment erodes due to the cap on their contribution combined with individual market reform

While some propose “Medicare for All” others are not sure Medicare is all it purports to be, and support oversight (Rangel), price fights (greater drug fee negotiation) and insight:

- 1) Part D donut hole cap – a question of government protection v. personal responsibility
- 2) Past Reform proposals do not engage the stakeholders, so even cuts fail to shield them from the consequences of their actions

A newer form of reform proposal would invest the stakeholders by giving rebates of 50 cents for every dollar a participant saves the program – or use a savings target instead.

There is an expanding horror in American life. It is that our long odyssey toward liberty, democracy and freedom for all may be achieved in such a way that Utopia remains forever closed, and we live in freedom and hell, debased of style, not individual from one another, void of courage, our fear rationalized away (Norman Mailer)

STATE FARES

There is science, logic, reason; there is thought, verified by experience. And then there is
California (Edward Albee)

In our present state we must bear in mind
Less gold than guilt rates as we come to find
The sings of the past and laws they had passed
Let a deficit last so deep and so vast
We couldn't budget

Should we pay or play, no one likes this game
The rules in the way, we just change the name
The mandate is blind to what people need
Each side's in a bind, won't bend nor concede
They wouldn't nudge it

And now compromise but not without cost
On polls it relies, Initiative lost
And will it succeed without real reform?
Or other states lead to which we'll conform
We shouldn't judge it

The states ask the Feds for a solution
But their vision dreads new resolution
In Washington's view, the state is the site
To try something new and make it look right
They would if they could but should we smudge it?

Action! Cut! Without much concern for consequences or the sequence of events, much substance is abused and the need for speed overruns common sense. Flash floods, flash fires, flash bulbs popping and stopping the examination of root causes to test the effects of stately discourse on the course of calamities. Of course, the stress should be less on sound than judgment, the pronounced nature of the legislature makes it hard to translate thoughts into action, but lately brought the factions to temper their reactions and forge a compromise. Ironic the iconic stature of the Governor was brought to bear, his golden luster lost in bluster as the votes he couldn't muster made his life more reel than any other folly would. Peratta's gotta push his tenets in the Senate, Nunez hopes no news is good, Sheila's Kuehled off for now as the Singe Player sought is the one who's brought the most to lose – the employer. How would that play out? We look way out to Massachusetts, where they amass a few sets of regulations to spread the common wealth among those requiring health insurance.

What's The Problem?

Did we dissipate domestic energy without necessity needing invention to smother the spread of an inflamed condition, is there simply more global warming to the idea, or the ideal, or protecting those without coverage:

- 1) The number of uninsured grew from 8% of the population in 2004 to 11.2% in 2005
- 2) 60% of small businesses (under 200 employees) offer coverage (was 66% in 2000)
- 3) State revenue growth is slowing with pressure growing for spending on education, infrastructure...and medical
- 4) For good measure, throw in GASB accounting changes, federal deficits, etc.
- 5) California Republicans cite 6.5 million uninsured – and 2.5 million earn over \$50,000
- 6) The cost of caring for the uninsured adds a “hidden tax” to health insurance premiums

A problem exists, but of what it consists does not consistently appear. It's only clear the time is near to adhere to solid solutions.

What's The Problem?

The destination may be in sight, but it incites debate about the creation of the best conveyance, both held in abeyance and launched afresh

Stage One – Arnie's Army Channels Charming

- 1) Tax Rate: 4% of payroll paid by employee, 4% cost by hospitals, 2% employee and 2% by doctors
 - a) Doctored – medical tax was dropped in favor of a lottery (fat chance)
 - b) Unemployed – sliding payroll tax (0-4%) for organization below 10 employees
 - c) Comparison – the Kuehl Single Payer bill would tax
 - 1% on income from \$200,000 to \$1,000,000
 - Self employment income tax
 - Non wage income tax up to \$200,000
 - Employer pays 8.17% up to employee salary of \$200,000
 - Employee pays 3.78% up to salary of \$200,000
- 2) Rebate: Tax credit given for those under 250% Federal Poverty Level
- 3) Mandate:
 - a) All individual plans must now be guaranteed issue
 - Modified to lowest cost option of top two plans a carrier offers
 - Minimum coverage of \$5,000 deductible and \$7,500 out of pocket
 - b) “Healthy Action” incentives and rewards
 - c) Can be enrolled in a wide variety of sponsored plans and Medicare
- 4) Reprobate: rein in costs by requiring carriers to pay no less than 85% of the premium received for health care expenses

Stage Two – Representatives Reply is Disarming

- 1) Tax – 7.5% of payroll paid by employer to private plans or a new California Health Trust Fund
- 2) Max: a) guaranteed issue in individual markets IF no serious conditions
b) insurers offer five standard plans to all except the costliest 3 to 5% of the population
- 3) Attacks: less about what they proposed than about what they opposed – and the final version sees diversion

Stage Three – Finally – who is it Harming? Assembly Bill X 1 1

Sounds more like a rocket ship, but given the launch delays and the sequence of staged productions, reduction to a capsulized version may make the prescription easier to swallow

- 1) Fee – not a Tax (that requires a different type of vote)
 - a) 2% employer to payroll of \$100,000; 4% if 100-250,000; 6.5% over \$250,000
 - b) Tobacco replaced the lottery at additional \$2 per pack
(very breathlessly await the time this one goes up in smoke)
- 2) Free –
 - a) Subsidy to those earning up to 450% of Federal Poverty Level (annual salary of \$51,625) – IF they spend more than 5% of their family income on a combination of premium, deductibles, coinsurance and co payments
 - b) Tax Credit for those earning \$51,625 to \$82,600
- 3) Key – insurance companies must not only guarantee issuance of individual plans but keep health care payout at 85% of premium
- 4) We'll See – the Major Risk Medical Insurance Board will decide what the final coverage requirements will be
- 5) Wait and See – funding is still predicated on the receipt of \$5 BILLION in new federal support via Medi-Cal payments

Off Course? Of Course

The Senate did not act in time to ensure a November ballot proposition (required because voter approval is needed for employer “fee,” the hospital tax and the tobacco tax). Senate President Pro Tem Don Peratta found it “imprudent” and “impolitic” to act when the state had just announced a \$14 billion state budget deficit and that they are also short on unfounded on retiree health costs by an astounding \$48 billion.

So in November, we'll be asked to vote for a plan we cannot find, with ways we can be fined, with an assumption of coming funds, until it is refined, by which time we'll be mind other state business and wonder why we signed up for this at all.

Man is the only animal that laughs and has a state legislature
(Samuel Butler)

Some Fed proposals want to seed state “breeding programs” and may cede responsibility to them more fully while pulling some major purse strings. Some themes are emerging and there is a dynamic tension in ascension

- 1) ERISA Exemption: this has been a problem in California, as some aspects of a mandate or required fee payment may violate Federal standards for benefit enforcement. Waivers may be needed, but in a Catch 22, can't be granted until passage of the law requiring them
- 2) Crowd Out: states take over, but want to know the amount of Federal funds on which they can rely. The battle over the State Childrens Health Insurance Plan is not just about social policy but the direction of federalism itself: who pays, how much, to whom, with what conditions and what is the expected resource renewability? There is the DC debate on dollars and qualifications, and the undercurrent of disappointment, not by the population it serves, but by states, which need revenue from one program to offset cutbacks in another (Medicaid) that serves many of the same potential recipients (Shell games need shoring)
- 3) Connectors: Massachusetts leads the way in the “pay or play” model. “The play's the thing” – which already exists in the private market. The “pay” goes into a state run trust fund that will piggyback on the private market (insurance carriers would still support health care reimbursement) is called the “connector” and dictates the number of carrier participants and plans available

Primary Proposals

There's the continual shift in California, which makes many residents quake – and here's how it shakes out elsewhere

Massachusetts

- 1) Individual mandate with employer coverage coming from private market or Connector
- 2) Individual buys from the Connector plan only
- 3) Penalty: \$295 per employee per year (if group of 11+) and 10% of usage over \$50,000
- 4) Base requirement is \$2000 deductible, \$5000 additional out of pocket, separate drug plan
- 5) Subsidy of 100% to 100% of Federal Poverty level, sliding scale for 100-300%

Early Returns

- 1) Average premium estimate has already been raised from \$200 per employee per month to \$300 per month – before the plan was even launched
- 2) \$5 Million will be paid (from 500 groups of 11 or more employees) vs. the expected revenue of \$45 million (which was then revised to \$26 million)
- 3) Number of uninsured enrolling has exceeded expectations
- 4) New Federal Medicare rules may cut Massachusetts revenue – new problem

Illinois

- 1) 3% tax on groups of 10 or more employees spending under 4% of payroll on health
- 2) Gross receipts tax to replace State Corporate Income Tax

Pennsylvania

- 1) Subsidized and discounted coverage for individual and small business lacking plan
- 2) Employee income to qualify must be under \$39,000 per year
- 3) Employers pay \$130 per employee per month – “pay or play”

California Senator Don Peratta said “what a joke” but no one laughed. California’s conundrum is what keeps other states from drumming up enthusiasm – “It’s hard to explain to people how you can be talking about expanding the health care program at the same time you are making deep cuts in the present health care program”

LOCAL NEWS The Bay's Better Way

With California Invasive Weeds Awareness week just around the corner, there are 2 words every Californian should know – yellow star thistle (San Francisco Chronicle)

Too many lines, so little room – ‘The City that couldn’t count (on support);’ ‘Invasion of Weed Indeed;’ ‘weed week whacks tax through cracks;’ or ‘a thorn in sense’s side’ etc.

Son in honor of Vincent DeDomenico, the inventor of Rice-A-Roni who passed away in 2007, we ring the bell and bring you the latest San Francisco Treats

Healthy San Francisco

New program for the uninsured in the City, using 14 city health clinics and 8 affiliates to manage chronic disease and encourage prevention. It will be financed mostly by the city, “which is gambling that it can provide universal and sensibly managed care to the uninsured for about the amount being spent on their treatment now, often in emergency rooms” (Business Times)

After a phased startup, the city plans to bring private medical networks into the program, expanding the choice of doctors. Initial enrollment limited to those below FPL. Then open to any resident uninsured for at least 90 days regardless of income or immigration status.

Hope to eventually enroll 45,000 (more than half the city’s uninsured). Expect to spend \$200 million the first year and finance it without a tax increase (because the city already spends about that much on care for the uninsured) and there is also a three year federal grant worth \$24 million a year for expanding access to care.

San Francisco Mandate *(court case pending may invalidate this law, which takes effect 1/1)*

The City by the Bay doesn’t play in the ordinary way with rules intended for fools and profits that fail to flourish under wishful thinking. What were they drinking, the pundits query, helping uninsured is good in theory but to every truth there’s consequence and despite the sequence of events that gave rise to the prize of universal care, there’s new despair in the community and less unity when the Council, acting with impunity, mandates employee protection. The East Bay’s looking might pretty as more plan to flee the City which is going to the dogs of warring factions whose infractions multiply and make many wonder why they stay.

So San Francisco drops a bombshell into an already contentious financial climate when the climb it makes out of its fiscal hole is on business backs since they control the dollars needed for health care buying. The cost of the uninsured falls on City shoulders no longer large enough to carry the weight, cut care, trade places or spin the problem on its axis and turn to business for the bounty (and hope there’s no mutiny).

It’s too late for the State and there’s no rational national solution, so the City kitty will be fed by local sovereigns. The San Francisco Health Care Security Ordinance lobs heavy ordinance in the direction of those whose indiscretion was just trying to keep their business going...and now it may well be, but in the wrong direction.

- 1) Eligibility: the law does not apply to groups of under 20 employees (50 if non profit)
Though the law applies specifically for employees located in California, the qualification numbers are for the group as a whole, regardless how many work in San Francisco.
- 2) Reference: This is Ordinance Number 218-06 and information and forms may be found on the web site: www.sfgov.org/olse questions may be addressed to HCSO@sfgov.org or call 415-554-7892.
- 3) Definition of Covered Employee: works at least 10 hours per week in City and County of San Francisco and in your employ for at least 90 calendar days (8 hours on 1/1/09)
Employees include seasonal, permanent, temporary, full time, part time, exempt and non exempt, salaried or hourly, even contracted (and even if through another agency) or commissioned. This can be extended to include those hired through a temp agency
Exceptions were indicated in our original outline: managerial, supervisory or confidential employees earning at least \$74,558.
- 4) Payment Requirement: must be made each calendar quarter to or for employees.
- 5) Exceptions:
 - a) Those who provide proof that they have coverage with another employer – but you must obtain a voluntary written waiver *each year*.
 - b) Those eligible to receive Medicare or Tricare/Champus.
 - c) Trainees in a bona fide program sponsored by a non profit (one year maximum).
- 6) What is Payment? Not necessarily for health insurance, as the allowance includes payment to a Health Expense Reimbursement Account or for a “limited benefit” plan. The rules specifically discuss premiums, HSA, FSA or spending account, and even reimbursement to covered employees for expenses incurred in purchase of services. There is also an allowance for payments on behalf of a covered employee through the Healthy San Francisco program.
- 7) Payment per Employee – the hourly rate is to be on a per employee basis, but if uniform health coverage is provided to some or all employees, the employer is deemed to comply if the average expenditure rate per employee meets or exceeds the minimum (average is total amount of health care expenditures divided by total number of hours paid to such employees. Also, a covered employer does not meet their obligations merely by making coverage available – payment must be made.

Charge is \$1.17 per hour (groups of 20-99) and \$1.76 per hour for 100+.
This is raised to \$1.23 and \$1.85 respectively January 1, 2009.
Hours include those paid for vacation, PTO or paid sick leave.
Employer makes full payment every quarter and files annual report.
- 8) Reporting: HCSO Mandatory Annual Reporting Form is required to be submitted annually.

Those employers who do not make their own payments or fall short of the required payment will have to make that payment into the newly created Healthy SFO, which is an extension of a program just created to help the uninsured get access to needed care within city confines.

But San Francisco isn't just the place to be if you need to see someone about your knee or arming yourself against potential calamity. Risking the enmity of employees, the City also decided to make work more fun by making it easier to leave – and get paid for it

Paid Sick Leave

No catchy rhymes here, as you must catch the time and calculate what rate of “pay” to which employees are entitled as soon as they being work:

- 1) Employees entitled to 1 hour of paid sick leave for every 30 worked
- 2) The maximum allowance is 40 hours (groups under 10) or 72 hours (groups 10+)
- 3) Accrual carriers over year to year without any maximum other than stated above
- 4) Exempt employer would be one with similar Paid Time Off policy in place
- 5) Allows employees to care for family/partners --if no one fits description name a designee
- 6) No adverse action allowed and can't require employee to find replacement worker

LEGAL BRIEFS

Cafeteria Plans

New rules on electronic and debit cards and expanded list of providers
Safe Harbor "POP" (Premium Only Plan) – OK when employees pay same percentage or rate
Individual insurance premium allowance is now codified (formerly relied on RR 61-146)
Short plan year now allowed any time if valid business reason
Salary reduction at year end can pay premium for the following month (New Year)
May have Dependent Care spend down option at employment termination (must be in plan)
HRA must be used before FSA unless employer asserts opposite in HRA document

COBRA

Existing Qualifying Beneficiary is entitled to enroll in employer's new coverage
Employer pay for former employee may be subject to FICA if no formal documentation
Gong on strike is a Qualifying Event
No notice requirement for Post Election entitlement to Medicare

Court Case of Note

Employer failing to notify plan of Qualifying Event was found liable for payment when the plan terminated the employee

ERISA

Preempts Maryland's Fair Share Act (which was anti Wal Mart)

Health Savings Accounts (HSA)

Promulgated rules for doing rollover on unused HRA and FSA balance

Pregnancy Discrimination Act

Does not encompass contraception (per 8th Circuit US Court of Appeals)

Labor Trend of Note:

Work and Hour wage suits - \$1 billion cost now and climbing. A major plaintiff attorney said "You don't have to be stupid to get overtime – in fact, you're stupid if you **don't** get overtime"

Problem is that employee must get a salary to be exempt – commissioned salespeople (who are named in most of the suits) don't get a salary, so are not exempt from overtime rules
Basic exempt employees are:

- Executive (manage at least 2 employees)
- Professionals and Creatives (require advanced training or degree)
- Administration (use independent judgment)
- Outside salespeople (not sales reps under employer control)

SPORTS
(The Presidential Race – and Games People Play)

If we don't succeed we run the risk of failure
(Bill Clinton)

Politicians are interested in people. Not that this is a good thing. Fleas are interested in dogs.
(P.J. O'Rourke)

Gore's worth waiting for, an Inconvenient Truth
His Nobel cause will give us pause in the voting booth

Tennessee Tendency toward Law and Order square
Will March Per-Mitt faith to befit baptism under fire?

Pushing for Bush the pulse is feint and Jeb's
Not headed towards court while Edwards ensnares himself in webs

Obama's drama scripted to Win Freydom
Bonding Barak to better stock, gunning just to lead em

No Kucinich itch, he scratches from the race
Mike Huckabee says "Pardon me, Am I in first place?"

Giulani's rule is make them remember
The loss of lives and not his wives after next September

Clinton is hintin she'll ably slay McCain
Despite the thought the war they sought will lose him the campaign

Will Gore wage war with a Peace Prize prized from Nobel names – observe:

- 1) Not only no controversial Iraq votes to defend, but on record as an ardent foe
- 2) Extensive experience in both Senate and White House
- 3) Eloquent and consistent Administration critic
- 4) An Inconvenient Truth and Peace Prize let him plug in to a current "hot" issue

(Life) is but a walking shadow, a poor player. That struts and frets his hour upon the stage and then is heard no more. It is a tale told by an idiot, full of sound and fury. Signifying nothing.
(Macbeth)

Nor are we Scot free, as we must see and hear for another year from those who seemingly stand for nothing but opine on everything so we can sense something of their essence. Al's well that ends well and we seek swells of support for one who will comport themselves as a candidate. The fall will come soon enough for some with a fat February the primary cause. With mild mannered debates and wild bannered press releases, we only know what is meant to be sent, though some escaped the censors. For now, we focus on the candidates Health Care and not the health or wealth of their campaign (with some still missing in action)

Clinton: “This is not government run. There will be no more bureaucracy. This plan expands personal choice and increases competition to keep costs down. These are new times and this is a new plan” actually, that’s sort of how Bill put it in 1992

- 1) Mandated coverage but with private markets – individual and employer (exempt under 25)
- 2) A public/private partnership with individual buy in
- 3) Keep current options or substitute the offerings of the FEHBP

Cost - \$110 billion

Edwards: Reverse out the Republican tax cuts for the rich (who are defines as those earning over \$200,000):

- 1) Mandated coverage with individual and employer (small employer exemption)
- 2) Purchasing pools
- 3) Tax credits
- 4) Medicare expansion using regional Health Markets and individual opt-in

Cost - \$120 billion

Giuliani: “Freedom is about authority. Freedom is about the willingness of every single human being to cede lawful authority a great deal of discretion about what you do” That being said, even his health care platform is lifted from President Bush – nothing added nor removed

McCain:

- 1) No mandate but eliminate the employer tax exemption for premium payment
- 2) Tax credits for individual and family to buy coverage
- 3) Easier access – trade associations and coverage across state lines

Obama: “The real key to passing any health care reform is the ability to bring people together in an open, transparent process that builds a broad consensus for change” Oh (That is what Hillary said in 1992, except for the part about bringing people together, open, transparent, build and broad consensus)

- 1) Coverage for all – no individual mandate but employer mandate (unless under 10)
- 2) Individuals and business buy from a common purchasing pool
- 3) This “insurance exchange” will reform the private market

Cost – not determined

Romney: See previous “Massachusetts Miracle” – dead without resurrection
See new “Massachusetts Miracle” which could, IF it works, be a blueprint for the nation

- 1) Encourage states to enact market reforms
- 2) Tax credit and subsidies
- 3) Enhance Health Savings Accounts
- 4) All spending on all premiums and Medicare should be tax deductible

OTHER SPORTS
(Politics is not the only competition getting petitions)

Barry Bonds stocks juice supplies, Mitchell catches long high lies
Baseball starts old faults defamed and named new asterisks
Vick should nix his litter picks, trash talk is he can't throw sticks
Or stones at OJ cronies, who lost with Vegas risks

So baseball's in the toilet, you're in league with those who'd spoil it
Bowie knifed through the owner's clause, Kuhn's boon merits reserved applause
Salary served a la mode, whipped the cream off hero's code
Arbitrary, capricious, roid rage more pernicious and with cause

First they were under the owners' thumb, then gave the finger as they struck out on their own, their quest to hit dingers and run home to inflate muscles with egos that rose above suspicion until the Commission acted and players staged a protest. The late Commissioner Kuhn belatedly presided over the last debacle on the spectacle of athletic support, but they comport themselves as less than good sports. Feathers fly when Vick can't stick to his story, his glory dogged by reports that his best friends manned the muzzles until they confessed, their tale between their legs.

BUSINESS
(Bumbling – Death, where is they sting?)

Money. You don't know where it's been, but you put it where your mouth is. And it talks
(Dana Gioia)

Money doesn't talk, it swears
(Bob Dylan)

I did everything by the seat of my pants. That's why I got hurt so much
(Evel Knevel)

Tiny bubbles in the whine, make me want to pay the fine
Hawaii doin' when parDon Holds are begged
Under water's weight subprime can't inflate
Peering to see the cash flow index pegged

Markets wax and wane, melting down, restrain
The muscle behind economic growth
Foreclosures foregone conclusions which spawn
Stock answers, capital crisis, or both

Rippling across streams of consciousness dreams
Of wealth evaporate when rising rates
Absent real reform cause cost controls to form
While on new legislation business waits

Global thoughts emerge, powered by a surge
Of interest in infrastructure invests
Suitors of all stripes from taking all types
Of alternative risks which, making, divests

Them of responsibility, creating the ability
For the cycles (of which we spoke) return

Tumbling (dice) – Stock Market

Capitalism...protects man's survival qua man and it's ruling principle is justice
(Ayn Rand)

Well, it's just us getting our just desserts as rationality deserted and we flirted with failure but skirted the seductive charm before our harm was compleat:

- 1) Financial sector flu – blue \$200 billion in market cap between January and July
- 2) Brush Fires – 5 hedge funds cut out prior to the subprime crime
- 3) Trash Heaps – corporate bond status may soon be rated as junk
- 4) Dominoes – capital market markdown slows down LBO, thus expansion, thus fees and the money to be earned outwards from restored core

Crumbling – Subprime Lending a House of Cards

An economist is someone who sees something working in practice and asks whether it would work in principle (Stephan Goldfeld)

Many lost interest *and* their principal as the principles of subprime lenders often interfered with reality. At *last* count, the mounting losses were piquing interest but not peaking, with some boards barely speaking to CEOs when CDOs cost too much and their leadership was leaking like a SIV. Write downs of \$35 billion and climbing, and a stock loss of \$220 billion directly related to it. Stan O’Neal was Lynched when he put Merrill in peril. Bear Stearns laid bare the error of James Cayne, who was not able to stem the losses. Chuck Prince rode Mr. Toad’s Wild Ride and was banished from the magical Citi. At least these execs have a place to live, as you couldn’t give away a house at the price it would take just to break even.

Fumbling – Economic Outlook

There is nothing of importance except how well you do your work
(Ayn Rand, Atlas Shrugged)

Be happy in your work
(Colonel Saito, Bridge on the River Kwai)

Like trying to hold running water, with a confluence of concerns confounding both those sounding the alarm or ringing of return to a sound economy. Try to rhyme in time with credit crunch, weaker dollar, inflation worries, liquidity and an inconsistent response by the Fed. Then add in the increasingly apparent reliance on foreign markets with a remaining trade deficit, which can actually be a reverse error with a dollar drop – sell more, make less

Grumbling – Unions

Trusts put trust in alliance with natural enemies (“now just play nice”). The SEIU has joined Wal-Mart, being all heart in their explanation for participating in the “Better Health Care Together Coalition” (“we must work together for the national good”)

The Big 3 automakers also agreed to offload \$51 billion in retiree health obligations to an industry VEBA

Jumbling – National Nuptials Double, Double, Toil and Trouble

CIGNA to buy Great West Life – to expand in both market regions and size

Rocky Relationship – Mega Health hit with many lawsuits in different states for unfair and deceptive trade practices

Humbling – and humbug in Pharma

If you're not confused you're not paying attention
(Wall Street Week)

Facing a generic onslaught (it could be from anywhere) and an inability to replace blockbusters, the market cap for the big drug manufacturers is off \$400 billion in the last five years. Now, with investigators researching, the hard sell they're besmirching has resulted, at year end, in cutbacks and layoffs among drug representatives – and this after the companies openly boasted at the outset of 2007 that they were tripling their total sales force to 100,000 (1 drug rep for every 9 doctors)

Rumbling – underground movements

Horses hooves heard
On the roofs stirred
Imagination

Santa did not bring meaningful reform on his sleigh this year, so business must find a way to slay the dragon without draggin down their earnings. They, in turn, benefit from the effects of those who do business with them and for them

- 1) Dependent Audits: organizations who aggressively pursue the valuation of an employee's dependent status (when they pay the premium) should see savings of 5 to 10%
- 2) Giveaway – Marriott study said giving free medications for certain chronic conditions can save money nad improve outcomes (“Patient Specific Value Based Insurance Design”)

Wal-Mart and Target are also lowering costs and giving direct co payments to those taking certain medications, even though they are only customers

3) Preventive Medicine

- a) United Health Care has lower deductibles for members meeting four “vital resource measures” (Body Mass Index, blood pressure, cholesterol and smoking)
- b) Principal Financial mirrors this and adds co payment waivers
- c) Clarian Health charges \$5 per paycheck for smokers and employees not meeting benchmarks in these four areas
- d) Wellpoint (Blue Cross) has launched Member Health Index, tying their **employees' compensation** to member performance according to these risk measurements

4) Coalitions

- a) Coalition to Advance Health Care Reform: 40 top business leaders and largest employers, including Safeway, PG&E, Blue Shield of California, Clorox, Heinz, Kraft and Long's Drugs
- b) Partnership for Quality Care: Large hospitals and health care worker labor unions for Universal Care, expansion of the SCHIP program, etc. Includes Kaiser, SEIU and CHW
- c) ERISA Industry Committee (ERIC): Includes IBM and Tyco – says coverage and retirement plans should be delivered by competing (in terms of IT, quality and plan design/cost) third party administrators (bank, insurance company, investment company). Employers would pool their purchasing power and outsource administrative functions, with the government paying something for the uninsured. Primary principles are portability, transparency, accountability and having a level playing field
- d) Better Health Care Together: includes SEIU, Wal Mart, Intel and AT&T: four principles are: health care is a right, there should be individual responsibility, must improve the value of the health care dollar, joint sharing of cost and responsibility would be required

5) Opinions: NFIB said small business owners still seek Congressional intervention:

- a) 70% say making consumers more aware of all health care costs will help
- b) 95% said all who benefit from financial assistance with health care should be required to pay some portion of their health care or insurance
- c) 71% said providers should have computerized records

Here's to the crazy ones. The misfits, the rebels, the troublemakers, the roundheads in the square holes, the ones who see things differently, they're not fond of rules and they have no respect for the status quo. You can quote them, disagree with them, glorify or vilify them, but the only thing you can't do is ignore them

(Jack Kerouac, On the Road)

EDITORIAL
(A Scattering of Opinions no one Solicited)

Health Care Reform

Will be legislated when the party of the First Part (Democrat in the White House) is aligned with the party of the Second Part (Democratic Congress) without undue interference from the party of the Third Part (Supreme Court) or other interested parties (the States) so we can get:

Universal Access
Mandated Group and Individual Coverage
Possible Pools or Expanding FEHBP availability

The problem with these and the “pay or play” models is that you are still putting money in a broken system and still lack affordable entry. If someone “plays” the minimum threshold for coverage (such as the suggested high deductible plans in Massachusetts and California) will not be sufficient to encourage regular doctor visits or immediate treatment. If someone “pays” we are assuming that there will be enough enrollment to sustain the system that must be created (witness Massachusetts current problems in this regard).

In looking at the alternate payment methods in the system, such as the MD and Hospital tax proposed in California, or the requirements that carriers make only a certain percentage of their premium in administration and profit, does anyone really think that this does not simply get passed on to the consumer (higher fees, higher charges, higher rates) – it’s a shell game.

It is very popular in Washington to suggest the use of purchasing pools, as if the carriers with which are already dealing are not utilizing their considerable purchasing power to keep costs down to the minimal level already. Note that a non profit like Blue Shield of California is charging the same rates as publicly traded companies, so the passing back of profits is not the sole reason for increasing carrier rate increases. So will a purchasing pool, which already relies on carrier support, draw out any more economic efficiencies than the pools being used already?

There is also the matter of ERISA challenges. Federal law prevents states from taking unilateral action such as universal coverage without getting a waiver – the last and only one granted was to the state of Hawaii in 1984. Questions continue to arise as to whether you are speaking of a tax or fee, which is being debated in California at this time.

Crowd Out Continues

The Federal government is already responsible for providing 57% of all health care payments. Programs such as SCHIP, proposed Medicare expansion and the use of purchasing pools further encroach on private sector selection and payment, which will itself help generate further interest in encroachment (and, like other forms of roach, harder to kill)

The concept of crowd out gives somewhat of a lie to the idea of a private enterprise system for health care. The government, whether state or federal, takes a larger share of responsibility each year, and some of what is not measured is indirect (witness the California need for an additional \$5 billion in Medi-Cal funding to make their state wide system work)

HSAs Will Not Expand

The hope is that they also won't contract. The final decision will be determined by how much growth they see by the time the next Congress is seated in January 2009. HSAs may be good policy, or not, but there are clear lines of demarcation in Congress as to who believes what.

Part D Medicare

Despite rosy projections by the Congressional Budget Office (drug benefit will cost 26% less in 2007-2013), Part D prescription costs will increase through heavier utilization and stability in the private insurance market.

Trends to Watch

Despite the need to give greater access to the uninsured or those who may have high deductible plans, there is still opposition to the idea of retail health clinics. This makes little sense – there is free enterprise, people going there are probably not interested in forming a long term relationship with a doctor (nor need to) and they are an inexpensive way of providing basic care that may go unattended if it were not for the presence of these clinics. Why stop them? They should be encouraged to flourish and give real competition to the established medical hierarchy.

It is also interesting to see more union cooperation with management, and both sides recognize that neither will be around very long if they don't mutually find a way to meet their needs of both members and stockholders. Expect more cooperation in the future as they work to forge a satisfactory solution.

REVIEWS

A movie should have a beginning, a middle and an end. But not necessarily in that order
(Jean Luc Goddard)

Yet Michael Moore was for French medicine, as the latest auteur with the hauteur to give voice to those who lack choice or the square deal Cubans feel at home. John Q took hostages, Jack gave as Good as it Gets, but Sicko was the pick o the litter that trashed our health care system. Was he objective or less likely to meet his objective to antagonize entrenched interests who seemingly seek to save their jobs rather than money and then compound the problem. Carriers set up "response teams," circulated hysterical e-mails (no, they were really funny) and generally opposed the opprobrium their own actions, or inactions, had opened. Some classics:

This is not a report to be tossed aside lightly. It should be thrown with great force
(Dorothy Parker)

I don't know what your problem is, but I bet it's hard to pronounce

When ideas fail, words come in very handy (Goethe)

No, I didn't see it, being witness to the witless parade of those afraid to change. The charade of protection simple detection would uncover. That's entertainment? No, but his comments after Cannes can't help but be so: "We are ready to accept sacrifices now to provide coverage for the 47 million Americans without insurance...if that means I have to wait four weeks for a knee replacement, I'll wait. I believe that the majority of Americans would agree with that."

Perhaps, but we may also agree with Charles DeGaulle's question "how do you govern a country with 246 different kinds of cheese?" What binds the French to such a system? Continued freedom of choice, good health results and resulting wealth (percentage of GDP). But, as President Sarkozy is willing to renege on other commitments he may fear fidelity to a format fostering inflation (so tax increases rather than rate increases) without creation of cost cutting "innovation" using our lamented HMO and curbing doctor cash flow.

Across the channel, the NHS rules but rules get people less excited than those who've cited their system as a model. What's been sighted is a waiting list for surgical procedures of over 1 million citizens, prompting 6 million to now own private insurance and 6 million cash plans.

Closer to home, where Canada straddles their Franco with their Anglo, Sicko borders Moore on the edge of credibility. A 2007 study by the Fraser Institute, a Canadian think tank, says:

- 1) Median wait times in Canada are almost double that which physicians consider clinically reasonable (in one example, in 2006 it took an average of 17.8 weeks to move from a family physician to a specialist)
- 2) Government spending increases outstrip its continuing ability to pay – public health spending is on pace to consume more than 50% of all revenue by 2020 without accounting for cost pressures posed by an aging population

So yes, we have problems, but pointing to other populations does not provide a panacea. Cuba may be close – but no cigar, as cannot Git Mo there, and other nations' care is far from a way to pay for it all. The call to arms is good, but the rest of the body political must follow.

WEATHER REPORT (Whether we Like it or Not)

People always talk about the weather but no one ever does anything about it
(Mark Twain)

Here's a news flash:

With high pressure on costs combined with low pressure for controls or system reform, increasing health care prices and premiums will reign, clouding the economic outlook for individuals, businesses and government – every one under the sun. If you prefer predictions by pie chart of have data hit you by Doppler, the news is pretty graphic

Source	POS	HMO	PPO	Indemnity	CDHP	Rx	Overall
Aon	10.8	10.9	11.2	12.7	10.7		
Hewitt	8.5	14.1	8.5	9			8.7
Kaiser							6.1
Segal		10.9	9				10.7
PWC	9.9	9.9	9.9		7.4		
Mercer							5.7
Buck	10.5	11.1	10.8		11.1		

CAL PERS had increases of 7.4% for their HMO and 6.3% overall
FEHBP (Federal program, with 283 plans) had 8.5% indemnity increase, 2.1% overall

Which way is the wind blowing? We can't regale you with breezy patter about whether patterns will shift (f you get our drift), but we can draft a few of the current reports:

Cause It's not just about price inflation. The treatments costs go higher as we inspire scientists to create better (and more expensive) cures. Cancer as example:

Abraxane	\$8,150 every three weeks
Herceptin	\$4,550 every week
Avastin	\$4,500 every two weeks

Effect Drug spending alone was \$40.3 billion in 1990, \$188.5 billion in 2004 and will be \$446.2 billion by the year 2015.

Cause Science marches on and we continue to count legal remedies for our financial ills
Examples on how many more new laws may add to cost is in "legal briefs"

Effect Healthy care spending is now \$2 trillion and will hit \$4 trillion by 2016 for an annual growth rate of 6.9%

Cause Medical errors have already been identified as a major cost exposure. This is now \$17 billion and in California this affects 150,000 people a year

Effect Progress often outpaces our ability to keep in step, or, as Einstein put it – "our technology exceeds our humanity"

SCIENCE
(And the Nature of Things to Come – Medical Miscellany)

She blinded me with science
(Thomas Dolby)

Great Moments in Science – Einstein discovers that time really IS money
(Far Side Cartoon)

I never think of the future – it comes soon enough
(Albert Einstein)

A compendium of concepts to confound and astound with profound implications for inflation and the explanations we seek and find hiding in the mind – and beyond

Attention

Borrowing from business, science is not alone in tracking trends. Econaturomics, or something like that. Or mix in litigation and law making and you have econlegisnaturomics. Don't worry – someone will coin it soon. Buzz words presented without apollenalogy:

Consumerism (with demand for cost effectiveness and reasonable results)
Lifestyle (wellness, prevention, presenteeism and other trendy topics)
Communication (bring IT to MD and be ready for E.E.)
Delivery (concierge medicine, retail medi-clinics, medical tourism)
Convergence (with tech to clear the bottleneck so it heads the right way)

Health carriers own banks, banks have health care business units, financial planners integrate health benefits into long term asset protection

(wait for it) after all, this isn't rocket science (there, I feel better)

Invention (necessity being the mother of...)

- | | |
|--------------|--|
| Rad-ical | Varian Systems can pinpoint tumors for radiology treatment and save Money (\$20,000 with target vs. \$40,000 when random) |
| Good Eye | Ultra short pulse laser can kill foreign or damaged material without generating heat – good for cancer or eye surgery |
| Ink the Deal | Hewlett Packard creates a skin patch for dermal drug delivery using their ink jet technology (a license to print money - \$1 for the patch, \$100 for the drug refills?) |
| Blood Bath | Abaxis will disrupt the lab industry with a scan the size of a toaster that runs multiple diagnostics in minutes (new ideas keep popping up) |
| Time Heals | Kinetic Concepts makes wound closure products using foam and vacuums rather than gauze and bandage. Higher cost but faster recovery (but 80-90% still using traditional methods) – look for the Oreck Infomercial soon |

Intention (and paving the road to --)

- DC Comics Walter Reed raised the need to build better practices and not mold (the hospital can buy their own penicillin)
- Food Fight The FDA ability to police the food supply is in decline as the number of food imports has risen dramatically, despite warnings which are 'too little too late' food poisoning in the US causes 76 million illnesses and 5,000 deaths, while imports have soared to over 9 million shipments in 2006 (double the 4.5 million in 2002) – and the FDA can only inspect **1%**
- Germ Warfare Drug resistant bacteria are on the rise and the hunt for effective antidotes remains tough going – and so we shall return to the earth, Ashes to ashes, since microbes always win – as those with the smallest minds and greatest resiliency always do
- Irrational Exubera met with a less than exuberant response and Pfizer got an insulin shock when discovering diabetics don't want to inhale their drugs (The Bill Clinton therapy) – so a drug supposed to generate \$2 billion in annual revenue – saw only \$12 million

Line Extension

United Health Care owns Medi-Clinic, Sutter is setting up some walk in centers, CVS owns Minute Clinic and Walgreens is actively bidding for something. Retail health clinics should grow from 700 today to 3,000 nationally within 5 years

Interstudy says “opponents believe these clinics disrupt patient relationships and some health plans argue over coordination, and say more cost effective care is available through a provider who can monitor a patient's health care

Prevention – let's pound out a cure

The art of medicine consists of amusing the patient while nature cures the disease
(Voltaire)

No page turners were published this year, but learners' permits printed, especially with the analysis/critique “How Doctors Think” (or not). Jerome Groopman (too easy) shows 6 cognitive pitfalls not taught or for which doctors are not given training, nor does the medical information system have a feedback loop to include them

Attribution Error: personal perspective and isolated instance drives decisions

Availability Error: based on general or specialty orientation

Search Satisfying Error: stop looking when you find a satisfactory answer

Confirmation Bias: use of selective information

Diagnostic Momentum: cling stubbornly, without reason, to the original diagnosis

Commission Bias: “Do Something” even when nothing is better

All these are compounded, of course, by time pressure and the current inability of (or unwillingness to use) technology to override

BACK PAGES
(Obits and other Bits that had no other place to fit)

- History
Repeats With David Halberstam, we lost the Best and Brightest, who questioned why we would wage war with poor intelligence, then rely on newer lies to reinforce the wayward course committed. Downtown Saigon now hosts Louis Vuitton in a mall, which would gall the gallant Gallics who were through at Dien Bien Phu. Some Chosin Few recall Korea but our withdrawal was not as planned. Decisions panned then show the skill it took to cook parallel recipes for disaster today.
- Border
Patrol In other enjoyments of deployment, the company hired to build the barrier to illegal aliens was fined for hiring illegal aliens
- Alien
Concept With the 100th anniversary of Rachel Carson's birth, it's worth noting how Silent Springs her legacy from the fallacy that emissions aren't commission of a felony. Bush hedges and trims "conserve" from "conservative" while conversation blooms about why he assumes the sole remaining role of Kyoto opposition. Maybe he agreed with Nixon's original opinion (through AG Mitchell): "The conservation movement is a breeding ground of Communists and other subversives. We intend to clear them out, even if it means rounding up every bird watcher in the country"
- Reclamation "I lived through the garbage. I might as well dine on the caviar" (Beverly Sills)
- Out, Out
Brief Candle "Dying can't be all that difficult. Up to now, everyone has managed to do it" (Norman Mailer)
- Not Up
To Snuff A rescue squad reported a suicide rescue: "He jumped off a building trying to kill himself and got harpooned 2 floors below. So he was hanging off the side of the building, looking at the Manhattan skyline. And when we got there he said 'you know, when you try to kill yourself you never expect something like this to happen'
- And The
Flame
Returns Watching his face flush, suffused with the song, familiar with the feeling if not the words, which never express the train of thought that rumbles from the heart. But Pavarotti made you believe in something like angel's choirs briefly visiting, bursting through his glorious voice, at the end of *Nessun Dorma*
- No one shall know his name
And we, alas, shall die
Vanish O night
Fade, stars
At dawn I shall win
- Igniting
Hallowed
Halls and the last fantastic book
flung out of the tenement window, and the last door closed at 4 am and the last telephone slammed at the wall in reply and the last furnished room emptied down to the last piece of mental furniture, a yellow paper rose twisted on a wire hanger in the closet, and even that imaginary, nothing but a hopeful little bit of hallucination (end of Alan Ginsberg's "Howl")