SHRA looking for volunteers

Sierra Human Resources Association is seeking enthusiastic volunteer leaders with a variety of skill sets in the areas of membership development, public relations and marketing, program development, meeting coordination and administrative support.

SHRA is a nonprofit community organization that provides business owners, managers and HR practitioners the opportunity to network and discuss management practices and business issues that affect employees and our livelihood.

SHRA is the go-to membership organization serving all shores of Lake Tahoe, Truckee and Nevada County for all things related to employment and human resources. SHRA's quarterly meetings, networking events, popular

For more info, contact Laura Moriarty at (530) 573.0224 or laura@tahoetrainingpartners.com.

Opinion: Nevada businesses struggle with drug testing, medical marijuana

By Ellen Jean Winograd, Northern Nevada Business Weekly

As of Oct. 1, 2012, 18 states have enacted some form of legislation decriminalizing or legalizing the use of medical marijuana under certain circumstances. (Along with Nevada, those states are Alaska, Arizona, California, Colorado, Connecticut, District of Columbia, Delaware, Hawaii, Maine, Michigan, Montana, New Jersey, New Mexico, Oregon, Rhode Island, Vermont and Washington.)

Nevada is among the states that has decriminalized some aspects of medical marijuana use, and the Nevada medical marijuana provisions are set forth in NRS Chapter 453A. Employers in Nevada are trying to balance the need for a drug-free workplace, against with the rights of employees who have legal prescriptions for marijuana. Does medical marijuana use have an impact on the workplace drug testing policies? Are terminations based upon medical marijuana use defensible?

Unfortunately, there are no definitive answers; the Nevada Supreme Court has not yet addressed drug-free workplace policies in the context of medical marijuana use. Until there is more legislative and judicial guidance, Nevada employers must look to other jurisdictions' court decisions to weigh and balance the challenges of addressing medical marijuana in workplace drug testing policies.

The starting point for any analysis is the Federal Controlled Substances Act – "CSA" –which prohibits the use of marijuana, medical or otherwise. Some employers have chosen to begin and end discussion of medical marijuana use by citing the CSA and determining that medical marijuana use in the workplace is an illegal act subjecting the employee to termination.

Nevada's medical marijuana laws, originally enacted in 2001, decriminalize medical marijuana use for persons holding valid Nevad-issued registry identification cards. Use of medical marijuana in Nevada pursuant to a duly issued registry identification card removes certain medical marijuana use from the realm of criminal prosecution and it provides an affirmative defense to a criminal charge in which possession from a delivery or production of marijuana is an element. The issuance of a valid Nevada state registry identification card requires that a treating physician has provided written documentation to the Health Division of the Department of Health and Human Services that the patient has a “chronic or debilitating” condition; a registry identification card is thereafter issued. The law says, “Conditions that qualify as chronic or debilitating include AIDS, cancer, glaucoma, cachexia, seizures, persistent muscle spasms, severe nausea, severe pain …” Nevada law specifically provides that the decriminalization of certain medical marijuana use does not “require any employer to accommodate the medical use of marijuana in the workplace.”

The obvious question here is whether an employee’s medical marijuana use outside of the workplace must be accommodated. This is an apparent ambiguity in the wording of NRS 453A.800(2). Just last month, the Sixth Circuit Court of Appeals analyzed the Michigan “Medical Marihuana Act” (MMMA) and held that MMMA does not impose restrictions on a private employer’s ability to discipline employees for medical marijuana use. Michigan’s Statutory scheme, similar to Nevada’s NRS Chapter 453A, was found only to provide a potential defense to criminal prosecution or other adverse action by the state. Michigan’s Act, MMMA, does not provide a private cause of action or support a wrongful discharge claim by an employee who tested positive for marijuana.

The Washington (state) Supreme Court also held that the “Medical Use of Marijuana Act” (MUMA) does not prohibit an employer from discharging an employee for medical marijuana use, nor does it provide a civil remedy against the employer. Courts in Montana and California have also interpreted similar state medical marijuana laws and held that they do not regulate private employment actions.

Legislation and case law are constantly changing, effecting the balancing process. Medical marijuana has received a great deal of publicity and significant legislative activity in the last several years. The use of medical marijuana therefore has employment ramifications in other areas as well, including workers' compensation, unemployment compensation and third-party liability. One Colorado appellate court affirmed denial of unemployment benefits, concluding that although the medical certification may insulate a claimant from state criminal prosecution, it does not preclude him from being denied unemployment benefits based upon termination for testing positive in violation of the employer's express zero-tolerance drug policy. Ultimately, laws regulating medical marijuana are evolving and employers' responses thereto will require frequent review of workplace drug and alcohol policies to maintain compliance with legislation and judicial decisions. Employers have legitimate interests in the health and safety of all employees and the public. Medical marijuana laws may change, but public policy safeguarding employees and the public from impairment-related dangers, remains constant. Until there is more guidance from courts on medical marijuana in the employment context, it is incumbent on employers to establish drug testing policies that reflect employers' workplace values and promote safety, productivity and privacy.

Ellen Jean Winograd is a shareholder with Woodburn and Wedge in Reno.

Marshmallow study proves youngsters can make rational decisions

By Sarah Kliff, Washington Post

In 1972, Stanford University's Walter Mischel sat 600 children down at a table with a marshmallow and gave them a choice:

They could eat one marshmallow now, or wait 15 minutes and get two marshmallows.

The ability to hold out for the latter correlated with greater success and self control later in life, leaving most students in Psych 101 to assume the immediate marshmallow eaters were destined for failure.

But perhaps not! A team of researchers at the University of Rochester revisited the marshmallow experiment. And what they found was that the ability to delay gratification isn’t just a hardwired, innate skill. Quite the opposite. Behavioral cues play a big role in determining who holds out for that second marshmallow, and the results call into question how much self-control actually has to do with it.

The Rochester researchers once again got a bunch of kids into a room. But they did something a bit different. Right before giving the kid a marshmallow, they would have an encounter with an adult. One would be unreliable; he would promise a bunch of fun art supplies that would never appear. Another would be reliable, delivering the art supplies as promised.

That earlier encounter had a huge influence on kids’ willingness to wait for a second marshmallow. Only one of the 14 children in the unreliable condition held out for the full 15-minute wait. They may have assumed that the second marshmallow, just like the art supplies, was a big lie. More than half of the kids who had just had a reliable encounter, however, made it through the 15-minute wait.

“The results of our study indicate that young children’s performance on sustained delay-of-gratification tasks can be strongly influenced by rational decision-making processes,” the researchers conclude.

In other words, sometimes eating the first marshmallow is actually the more rational approach, based on what the child knows about the situation. Why should an adult who failed to provide promised art supplies, after all, be relied on to deliver a second marshmallow?

“Being able to delay gratification – in this case to wait 15 difficult minutes to earn a second marshmallow – not only reflects a child’s capacity for self-control, it also reflects their belief about the practicality of waiting,” says Celeste Kidd, a doctoral candidate in brain and cognitive sciences at the University of Rochester and lead author on the study. ”Delaying gratification is only the rational choice if the child believes a second marshmallow is likely to be delivered after a reasonably short delay.”

The researchers contend that this could be true on a larger scale. If a child or adult lives in an environment where promises always get broken and outcomes are unreliable, the most rational response is to eat the marshmallow right in front of her – and not wait for the promised marshmallows of the future.

Time to work on backcountry trails before snow arrives

Snowlands Networks’ trail event Oct. 27-28 is focused on maintenance on a number of trails in the Loon Lake area. Snowlands Network helped expand the trail system there over several years. Now it’s time for maintenance.

El Dorado Nordic Ski Patrol is leading this event.

Work one or two days. Camping is available Friday and Saturday nights.

No experience is required to help mark and maintain the trails. The necessary equipment will be supplied. You bring your lunch. Wear old clothes.

For more information or to sign up, contact Monte Hendricks (530) 644.6891 or montehendricks@comcast.net.

California on hook for massive banked vacation payoffs

By Thomas Peele and Daniel J. Willis, San Jose Mercury News

They could leave their hearts in San Francisco — or any of the Golden State's other big vacation spots — but thousands of California's state workers won't even leave their desks.

An analysis of the last three years of government salary data shows state employees are continuing to store up massive banks of vacation, instead of heading to Big Sur or hitting the slopes at Lake Tahoe. They're cashing in by retiring with whopping final paychecks worth, in some cases, more than $500,000 in unused time off.

From 2009 through 2011, cash-strapped California paid more than $800 million for days off state workers never used — a problem that has grown by tens of millions of dollars in the four years since the San Jose Mercury News first investigated the costly practice.

It's an accounting liability that private companies work aggressively to avoid, but one that continues to pile up in Sacramento. And the problem grew even worse in recent years when the state tried to save cash by forcing workers to take unpaid furlough days as an emergency budget fix. As a result, banks of unused vacation grew even larger.

“Is the system broken? Obviously the system’s broken,” said Tim Malan, a supervising dentist at Avenal State Prison, who retired in 2009 with 247 days off still on the books, sweetening his final paycheck by an extra $317,000.

Like Malan, more than 4,000 people retired from the state over the past three years with an extra $50,000 or more for unused vacation and comp time, the newspaper’s analysis of pay data from 153 state departments shows. That’s almost four employees cashing out at least that much money every day. An additional 16,302 state workers retired during the three-year period with payments from $10,000 to $50,000 each.

While Malan sees why taxpayers might be bug-eyed at the vacation payouts, he said staffing shortages are largely to blame.

“If you go anywhere on vacation they give you grief for not doing the job,” Malan said. “I had plenty of vacation, and I couldn’t take it. Then I got all this money.”

When asked last month about vacation and comp time payouts, Gov. Jerry Brown downplayed the issue, saying the state makes employees take vacation before it piles up.

But when pressed for a further response, a spokeswoman from Brown’s office acknowledged that the administration intends to tackle what the newspaper’s analysis shows was a $293 million problem in 2011 at a time the governor is asking voters to approve a tax hike at the polls to avoid billions of dollars in cuts. By comparison, the payout was $174million in the 2007-08 fiscal year.

“This problem, like the $26billion deficit, is a carry-over from a prior era,” Elizabeth Ashford wrote in an email.

“Employees were furloughed for short-term savings, which has left a long-term debt in the form of accumulated leave.

“We have already cut compensation for state employees by 5 percent and reformed the public pension system, and we’ll fix this problem too.”

The state doesn’t allow employees to cash in vacation time while they are still employed. But earlier this year, several state parks employees were disciplined and one fired after auditors found a secret program that allowed more than 50 parks employees to cash in a combined $270,000 worth of unused time.

This newspaper’s analysis showed the biggest payouts go to state workers with vital jobs, like firefighters, highway patrol officers and doctors at state hospitals or prisons. But others – lawyers, researchers at obscure state commissions, traffic engineers – also got fat checks. Managers are supposed to help workers keep vacation balances under 640 hours or 80 days, and Ashford said 87 percent of current state employees are under that cap.

However, state officials said in interviews, nothing stops employees from exceeding it.

“You can’t force people to take time off. I’ve never been able to do that in my time as a manager,” said Nancy Kincaid, a spokeswoman for the state Correctional Health Care Services department, which provides prison medical care.

But in the private sector, employers cap vacation accruals and make workers take their time off before they can accumulate more.

Twenty-seven people, including 19 prison doctors and dentists, got checks for more than $250,000, and some had more than 500 unused days off on the books when they retired. That’s enough money to reserve a seat on British billionaire Richard

Branson’s future Virgin Galactic space flights or book a three-day stay at the $65,000-a-night Royal Penthouse Suite at the Hotel President Wilson in Geneva, the world’s most expensive hotel.

Topping the list was Napa State Hospital psychiatrist Gertrudis Agcaoili, who retired after 33 years with 642 days of accrued vacation and comp time. It cost taxpayers nearly $609,000.

How did she manage to bank so much time?

“It’s none of your business,” Agcaoili said in a brief telephone interview. “I deserve all of it. I worked very hard.”

A representative for the Department of State Hospitals, Wanda Yepez, wouldn’t say how Agcaoili accrued so much time.

“The demands of 24-hour hospital staffing often (make it) difficult for employees to be absent from the workplace in sufficient hours to maintain vacation balances below” 80 days, Yepez wrote in an email. Department records showed Agcaoili took only about 2 weeks of vacation in the five years before she retired, Yepez wrote.

A veteran observer of government spending said six-figure payouts like Agcaoili’s can be crippling and called on the state to revise its personnel policies.

“It’s an unfunded liability and a burden on the taxpayer,” said Thomas Schatz, executive director of Citizens Against Government Waste, a Washington, D.C., watchdog group. “California needs to look very closely at it. They have to enforce the 80-day limit.”

Payouts in state government spiked in 2010, topping $300million, data shows.

Part of the reason is that when former Gov. Arnold

Schwarzenegger ordered workers to take as many as three unpaid days off a month in 2009 and 2010, saying it would reduce costs by $1.66 billion, they were still allowed to accrue vacation at their normal rate. That can be as high as 15 hours a month for rank-and-file workers and 16 hours for managers.

But vacation balances climbed even higher because employees were required to take furlough days first, said Lynelle Jolley, who retired last week as the spokeswoman for the Human Resources Department.

When furloughs were enacted, “we knew leave balances went up,” she said.

Some workers with critical jobs, like Highway Patrol officers, firefighters and prison guards, are sometimes restricted from taking time off.

“We have to have coverage 24 hours a day,” said Janet Upton, a spokeswoman for the Department of Forestry and Fire. The department paid $40million for unused time during the three years.

A lot of that time, Upton said, came from the past decade when California experienced 11 of the 20 largest fires in state history.

Three of its retirees topped payouts of $250,000 each, including an administrator, Jay Wickizer, who was paid for 514 vacation days. His job, Upton said, was to restore fire scenes.

But not all employees who were paid for hundreds of vacation hours had critical public safety jobs.

The person with the highest amount of unused vacation during the three-year period analyzed was Seymour Goldstone, a research specialist who retired from the state energy commission in 2010 with 539 vacation days. Goldstone couldn’t be reached; commission spokesman Adam Gottlieb could not immediately explain how the time was accrued.

At state prisons, unused time cost $293 million over the three years analyzed and included time from both corrections officers and health care providers.

Kincaid said many of those professionals were in high demand because of court-ordered improvements to the care provided to inmates. “Some of them worked 20 to 30 years when there were massive vacancies and then they cashed out,” she said.

Small-time pot farmers struggling to stay alive

By Joe Mozingo, Los Angeles Times

LAYTONVILLE — In the mountains of Mendocino County, a middle-aged couple stroll into the cool morning air to plant the year’s crop. Andrew grabs a shovel and begins to dig up rich black garden beds while Anna waters the seedlings, beginning a hallowed annual ritual here in marijuana’s Emerald Triangle.

In the past, planting day was a time of great expectations, maybe for a vacation in Hawaii or Mexico during the rainy months or a new motor home to make deliveries around the country.

But this year, Andrew and Anna are hoping only that their 50 or so marijuana plants will cover the bills. Since the mid-1990s, the price of outdoor-grown marijuana has plummeted from more than $5,000 a pound to less than $2,000, and even as low as $800.

Battered by competition from indoor cultivators around the state and industrial-size operations that have invaded the North Coast counties, many of the small-time pot farmers who created the Emerald Triangle fear that their way of life of the last 40 years is coming to an end.

Their once-quiet communities, with their back-to-nature ethos, are being overrun by outsiders carving massive farms out of the forest. Robberies are commonplace now, and the mountains reverberate with the sounds of chain saws and heavy equipment.

“Every night we hear helicopters now,” Anna said. “It’s people moving big greenhouses and generators into the mountains.”

Andrew, 56, and Anna, 52, who agreed to be interviewed only if they would be identified by their middle names, live in a rambling house down a trail through tanoaks and Douglas firs. Their electricity comes from a windmill and solar panels, their water from a spring. They cook on a wood stove and use an outhouse with a composting toilet to conserve water for their crop.

Though they are not complete back-to-the-landers — they have a nice car, satellite TV and Internet access — they keep their gardens relatively small, tucked in the trees throughout their property.

Among their plants, they post their own medical marijuana cards so that if they’re raided, it looks as though they’re growing under the aegis of state law. But because dispensaries generally prefer the more potent weed grown indoors, they still sell mostly to the black market, where mom-and-pop growers now struggle to compete.

“These big commercial growers have really ruined our business,” Anna said.

Until recently, life in the hills of Mendocino and Humboldt counties had changed little in the decades since hippies from the Bay Area began homesteading here. The pioneers initially grew marijuana for themselves and to make a little money.

Then in the 1980s, cultivation of high-grade seedless marijuana opened the possibility for big money as it brought a higher premium. Many of the farmers cashed in. But many remained small and discreet to avoid attracting the attention of state and federal agents.

They raised their families where they cultivated. They drove beat-up Subarus and small Toyota pickups, pumped their water from wells and chopped their own firewood.

The mountain hamlets operated like breakaway states. Marijuana farmers paid for community centers, fire departments, road maintenance and elementary schools.

Even today, small cannabis-funded volunteer fire stations and primary schools are scattered throughout the ranges. And the local radio station, KMUD, announces the sheriff’s deputies’ movements as part of its public-service mandate.

But the liberalization of marijuana laws in the last decade upended the status quo.

From Oakland to the Inland Empire, people began cultivating indoors on an unprecedented scale at the same time that growers from around the world flooded the North Coast because of its remoteness and deep-rooted counterculture.

Now, with the market glutted, people are simply planting ever-larger crops to make up for the drop in price.

Longtime residents complain that the newcomers cut down trees, grade hillsides, divert creeks to irrigate multi-thousand-plant crops, use heavy pesticides and rat poisons, and run giant, smog-belching diesel generators to illuminate indoor grows. They blaze around in Dodge monster trucks and Cadillac Escalades and don’t contribute to upkeep of the roads or schools.

“They just don’t care,” said Kym Kemp, a teacher and blogger in the mountains of Sohum, as locals call southern Humboldt County. “They’re not thinking, ‘I want my kids to grow up here.’

“Now there are greenhouses the size of a football field that weren’t even there last year,” she added.

Kemp said she feels her region is being colonized and worries about the colorful, off-the-grid people that small cannabis patches long supported.

“So many people who live here are just different,” she said. “They don’t fit in regular society. They couldn’t work 9-to-5 jobs. But they’ve gotten used to raising their kids on middle-class incomes. What are they going to do?”

Tom Evans, 61, a small-time grower in northern Mendocino, said the sense of peace and self-reliance he moved here for 30 years ago is disappearing so fast that he may leave for Mexico.

“It used to be a contest to see who could drive the oldest pickup truck,” said Evans, a former Army helicopter mechanic who sports a woolly gray beard and tie-dyed shirt.

“There’s just been this huge influx of folks who have money on their mind, instead of love of the land. A lot more gun-toters. A lot more attack dogs.”

Evans lives in a small, rented home that generously could be called a fixer-upper. He said he doesn’t have a bank account or credit card, and his Honda Passport has more than 300,000 miles. “It’s ‘make a living, not a killing,'” he said.

His friend, a bear of man who goes by the name Mr. Fuzzy, noted that it’s not only outsiders causing problems.

“You know the weird part, these are our kids too,” he said.

It’s a recurring lament among longtime growers. Some of their own children are going for the large-scale grows, big money and fancy cars.

The larger irony is that the marijuana pioneers are being pushed to the margins by the legalization they long espoused.

“Ultimately, we worry about Winston or Marlboro getting some land and doing their thing,” said Lawrence Ringo, a 55-year-old grower and seed breeder deep in the wilds of Sohum. “We see it time after time in America — big corporations come in and take over.”

Ringo saw the 2010 marijuana initiative, Proposition 19, as a ploy by Bay Area activists to dominate the market with giant warehouse grows in Oakland.

He suspects plenty of people will still want high-quality, organically grown cannabis but fears the big business interests will dictate how marijuana gets regulated. Ringo points out that Colorado, the one state that fully regulates marijuana, helped push most growing indoors and place cultivation under the control of large dispensaries.

“We’re afraid of losing what we’ve been doing for 40 years,” he said.

As competition drives prices down, even chamber-of-commerce types acknowledge that the North Coast economy is at risk. Pot kept things afloat as the logging and fishing industries declined. Restaurants, car dealerships, banks, hotels and dental clinics all depend on marijuana money.

“There’s probably not one business that doesn’t benefit,” said Julie Fulkerson, who founded a home furnishings store and comes from a prominent third-generation Humboldt family.

Walk into the upscale Cecil’s New Orleans Bistro in small-town

Garberville in Humboldt County and you'll find growers in dirty T-shirts unpeeling rolls of $20 bills to pay for martinis and $38 steaks. More soil supply and hydroponics shops line stretches of Highway 101 than gas stations, and trucks laden with bags of soil and fertilizer kick up dust as they make deliveries on the most isolated roads.

During harvest, hardware stores put out huge bins of Fiskars pruning scissors, the preferred tool for marijuana trimmers. Safeway stocks so many turkey bags that an outsider might wonder how such small locales could consume so many birds. The sealable, smell-proof bags are used for storing and transporting weed.

"I wouldn't survive if it wasn't for growing," said Tom Ochner, 54, who runs a country store and rental cabins outside of Covelo (Mendocino County) – a business called the Black Butte River Ranch. "Owners realize this is what makes their business go."

Concerned about the economics of legalization, Humboldt banker Jennifer Budwig studied the amount of pot money entering the local economy.

Using an extremely high estimate that law enforcement seized 25 percent of the total amount of pot grown in Humboldt, she found that the crop generated at least $1 billion a year – of which $415 million was spent in the county. She said the actual figure could be several times higher.

Legalization "has the potential to be devastating," she said.

Some small growers, like Anna and Andrew, still hold out hope that they can beat back the deluge of industrial marijuana.

There's a market, they say, for sun-grown weed among discerning users who appreciate the nuances of regional variety. A grower just down the road said he hoped to start promoting "Mendocino terroir."

“How can sun-grown not be better medicine?” Anna asked. “If you’re sick, you want something that has chemicals in it? You can’t grow indoor organically. Not to mention the fossil fuels it burns up.”

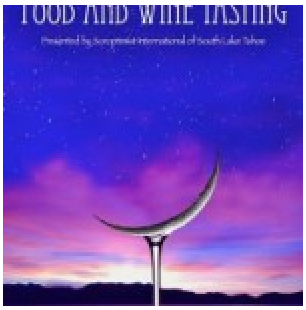
But even if boutique weed has some potential, the couple still sense that their life in the mountains is changing for good. The next-door neighbor recently had a home-invasion robbery, and a young man down the road was shot in the face during a deal.

Andrew goes back to planting the new crop. He used to have the radio on all day — something to engage his mind during the tedious work.

He doesn’t anymore.

He keeps it quiet, listening for intruders.

Do you want free wine?



Describe your best experience with wine — but keep it G rated — to be in the running to win two tickets to the annual Soroptimist International South Lake Tahoe wine tasting event on Nov. 2, 6-9:30pm at Harrah’s Lake Tahoe.

This is open to all *Lake Tahoe News’* NEWS Team members. To be part of the team, just fill out the paid subscriber form.

Winners will be announced the week of the event.

If you don’t win, tickets are $65 each and may be purchased from any SISLT member or online.

Tahoe Tails — Adoptable Pets in South Lake Tahoe

Jazzy is a 7-year-old beagle-Lab mix who loves to go for walks and car rides.

She is in the prime of her life, and is the perfect dog for someone who wants a nice, calm, yet fun companion. Jazzy is house trained and has great manners, plus she likes other well-mannered dogs. She will wait patiently for you when you are at work. She came to the shelter when her owners moved and couldn’t take her with them.

Jazzy is spayed, microchipped, and vaccinated. She is at the El Dorado County Animal Services shelter in Meyers, along with many other dogs and cats who are waiting for their new homes. Go online to see photos and description of all pets at the shelter.

Call (530) 573.7925 for directions, hours, and other information on adopting a pet.

For spay-neuter assistance for South Tahoe residents, go online.

— *Karen Kuentz*

Endorsement: A reluctant nod to Gaines in 6th Assembly District

Publisher's note: ***This editorial is from the Oct. 10, 2012, Sacramento Bee.***

In the race for the 6th Assembly District – a heavily Republican district that includes parts of Sacramento, El Dorado and Placer counties – the options are less than palatable. But the choice is fairly easy.

Incumbent Beth Gaines is a better pick than challenger Andy Pugno.

Gaines – who succeeded her husband, Sen. Ted Gaines, in his old seat in 2011 – has worked the last year to make up for her lack of experience. She pushed legislation to limit disability lawsuits against small businesses, and championed small efforts to create jobs in her district, including approving commercial crawfish harvesting in Lake Tahoe.

While she is hardly as ambitious, thoughtful and pragmatic as, say, former Assemblyman Roger Niello – who previously represented part of this district – she would serve her constituents better than Pugno, another Republican.

We weren't always convinced of that. In the primary, Pugno impressed us with his grasp of the issue and his commitment not to use the Legislature as platform for pushing wedge causes. Yet Pugno is an ideologue – he wrote Proposition 8, the legally challenged initiative banning same-sex marriage – and toward the end of the primary his extreme rhetoric didn't match his prior promises.

Even worse, Pugno made a silly pledge not to run against Gaines if she ended being the top vote getter in the primary. That was not bright. Why should voters support a candidate if he or she isn’t going to offer them a competitive race in the runoff?

Doubly worse, Pugno then backed off his pledge and has continued running against Gaines, although without much energy or commitment. For that, he has been rightly dismissed as a flip-flopper and an opportunist.

Voters in the 6th Assembly District deserve better than this. They deserve two candidates willing to face the voters and each other, and answer the tough questions. While he stood almost no chance of winning in this district, Democrat Regy Bronner would have at least prompted Gaines to explain to voters why they should re-elect her.

As it is, Gaines is free to continue in her bubble world, benefiting from huge campaign money from contributors outside her district and rarely answering questions from the media without a handler at her elbow. Voters in the 6th District have little choice to re-elect her, but should demand better choices the next time.

Barton on course to be trauma center; severs ties with 4

docs

By Kathryn Reed

While Barton Health officials say money is not the overriding reason to become a trauma center, it is the primary reason they say four doctors as of Jan. 1 will no longer be affiliated with the South Lake Tahoe healthcare system.

Clint Purvance, chief medical officer for Barton Memorial Hospital, said it is hoped the Level 3 trauma designation will be acquired in the first quarter of 2013.

There are four levels of trauma centers, with Level 1 usually reserved for teaching hospitals that are research based. Level 3 requires an emergency room, general surgery, orthopedic and anesthesia be available 24 hours.

"We are not changing the level of care, we are changing the system," Purvance said. "The delivery of health care is fragmented at best."

Purvance, with CEO John Williams, spoke with *Lake Tahoe News* about the changes that are about to occur.

It is the medical practices of Emerald Bay Center for Women's Health and Tahoe Women's Care that will not be contractually renewed at the end of the year.

"Even though we did not come to terms with the ob-gyns, they can still practice at Barton. They can use the da Vinci. They can run their own practice," Williams said. "We just won't be managing and underwriting their practices."

Trauma center

It's not known how many more patients would be able to be cared for locally instead of being flown to Renown Medical Center in Reno (a Level 2 facility) or UC Davis Medical Center in Sacramento (Level 1) if Barton receives the trauma center designation. Officials aren't releasing projected income from the change either. Nor has it been released if the cost to patients will go up if Barton becomes a trauma center.

For the past year as Barton has worked on its trauma center status, additional equipment has been purchased, employees hired and others trained to meet the demands of the American College of Surgeons. El Dorado County also has criteria for Barton to meet in order to become a trauma center.

"It raises the bar and awareness," Williams said of being a trauma center. "It's good for the community image."

Purvance said the center would create a coordinated care system for patients from the moment they are injured.

As it is now, someone could arrive by ambulance and no one in the ER will know ahead of time what type of care would be required or even that a patient was coming. That would change per trauma center protocol. Barton is talking to its health care partners to put the coordinated system in place.

Even though Barton will be 50 years old next year and has lived without being a trauma center, the health care administrators say the world is changing and things need to change locally.

Even if Obamacare is altered, there is still the California Health Benefit Exchange that providers in the Golden State must adhere to.

Williams said starting in 2014 it will be "value vs. volume when health care reform hits." Reimbursements are expected to be less, but the number of people with insurance is likely to increase.

Keeping more people at Barton is obviously a moneymaker. But that does not mean patients won't be flown out even if the hospital is a trauma center.

Neurological trauma with bleeding inside the head, spinal cord injuries, major amputations, burns, and pediatric trauma patients will continue to be airlifted to Reno or Sac.

While trauma centers were in the decline in the 1990s and early 2000s, the reverse has been true the last few years. According to Kaiser Health News, this is in large part because money can be made from being a trauma center.

A Kaiser study show that since 2009 more than 200 trauma center have opened in more than 20 states, with 75 more hospitals seeking approval.

"Trauma centers make money. If a hospital is not making money on trauma, then it's not structured the right way," Mike Williams, president of the consulting firm Abaris Group in Martinez told *USA Today*. "Trauma centers can basically charge whatever they want."

Women's care

With Barton being a private hospital, negotiations with individual doctors or groups it contracts with are confidential. Without either side releasing the numbers, it is not known how far apart the hospital administration and the offices of Tahoe Women's Care and Emerald Bay Center for Women's Health were.

"Substantial" is how Williams described the difference.

Kelly Shanahan with Emerald Bay Center said, "We basically asked for a continuation of what we have now. The only thing additional was paying our malpractice premium."

Doctors Gary Willen, Kris Kobalter and Caroline Habaradas with Tahoe Women's Care did not return a phone call.

This was the administration's decision, not the board's.

"I don't think the board had much of a choice. The administration tried to negotiate in good faith," Barton board President Guy Lease told *Lake Tahoe News*.

Shanahan also believes the decision by the administration was personal.

"He doesn't like us," Shanahan said of Williams. "I really think it's about the personalities."

Obstetrics is not a moneymaker. And with there being a 21 percent decline in births at Barton from 2010 to 2011, the income is on the decline.

While these four docs were costing Barton Health money on the obstetrics side, Shanahan does not believe the g-y-n part of her practice was taken into consideration.

Barton know it needs ob-gyns. Two doctors have been interviewed to replace the four they let go. How many will be hired is an unknown.

Shanahan said the two ob-gyn offices agreed to merge to save money, but that and other concessions were not good enough for Barton.

Barton owns the building Tahoe Women's Care is in, while Shanahan also owns her. It's still possible they could consolidate so they can continue to practice medicine locally.

Shanahan foresees having a strictly gynecological practice.

"I kept my office through breast cancer and chemo. I will be damned if this hospital administration makes me shut my doors," Shanahan told *Lake Tahoe News*. "I don't think it is a community hospital. I think it's corporate."