



Albert Einstein was well-known for doing “thought experiments”. I would like to propose on to § 1171a.29. subsection (c).

Imagine if instead of the labs testing compliance samples for patient safety they were over-night delivery companies. In order to use state roads, they need to be licensed. They need to have proper documentation for transportation requirements with DOT, similar to the way labs are required to have approval from the DOH, know the laws, and have accreditation. Now, in the town the delivery companies operate, they’ve discovered that while they know and abide by the laws of the road, they never see any enforcement agents while they’re doing deliveries. It’s well-known that delivery companies can be super shady in other towns but it’s a new market here. After a bit of time goes by and still the companies don’t see any enforcement, they cut a corner here or there, don’t stop at a red-light, and wait to see if they get in trouble. Nothing. The second company notices, and also starts speeding up their deliveries by bending the laws of the road. Soon, the delivery companies are driving the wrong way down the streets and destroying speed limits because no one is enforcing the road safety requirements. The companies contracting the delivery companies love how quickly they’re receiving goods, and since the companies they contract with are all licensed and haven’t been sanctioned, they *must* be doing everything right. Even if it’s not physically possible to be doing everything right, the contracting company has plausible deniability, and ultimately won’t be the ones to get penalized, so they hire the company with the fastest delivery speed, incentivizing the delivery companies to continue their less-than-ethical behavior, because it’s good business, and no one has received any negative repercussions.

The town doesn’t really want to invest in enforcement, as whatever has been going on at night hasn’t affected the town, but they know it does in other towns. So, the town passes a new requirement that other delivery companies have to ‘self-enforce’ the road laws by swapping some deliveries. The delivery companies don’t really care about the new requirement because the new requirement essentially spells out the town won’t be putting enforcement agents out at night. So, the delivery companies partner up and some even share their short-cuts to get the delivery speeds similar. The only delivery company hurt by this regulation would be a company refusing to take shortcuts or bend the road laws. The company that is already following regulations doesn’t get contracts with companies who recognize the other delivery companies *can’t* be following the laws, and when it comes to business, those companies are few and far between. So, when the delivery company that follows the regulations has to share its deliveries with other companies, they don’t get any new contracts, and with the significant difference in delivery speed, are at serious risk of losing their existing contracts. All because they choose to follow the regulations.

[It’s an interesting story about why the one delivery company always follows the regulations, their mother relied on deliveries they made, and the company didn’t want to take the risk that their delivery might get tainted or in an accident, or in some other fashion not be ideal when it got to her, before she passed away.]

Ultimately, the town *will* have the same problem neighboring towns do. Unfortunately for the town and people of the town, it will likely take a similar incident to the other towns before the town begins to enforce road safety rules. Other towns had people killed by reckless delivery companies, others were sued by hurt people, and while the town government had to deal with negative publicity and lawsuits, the townspeople were the ones who were most negatively impacted.

As the logical conclusion to the thought experiment – two (for profit) labs testing compliance samples is *not* going to provide for patient safety. Only an external third-party, such as a government entity or contracted lab, can do that.