

Bending the Rules to Play the Game: Accountability, DRG and Waiting List Scandals in Norway and Germany

Simon Neby

University Research Stein Rokkan Centre for Social Studies

Per Lægreid

University of Bergen

Paola Mattei

Oxford University

Therese Feiler

Oxford Universtiy

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Abstract

Diagnosis Related Groups (DRGs) are used for financial and administrative purposes in hospital systems across the world, and are combined with a series of administrative tools to increase efficiency and effectiveness. Economic dysfunctions of such systems are widely reported, but the organizational basis of this managerial tool and the implications for hospital governance are less explored. This article shows, through eight case studies, how DRGs and waiting list management create opportunities for gaming in Norway and Germany. It argues that whereas these effects are relatively similar, the way they are handled by different accountability types varies considerably between Norway and Germany. Despite similarities in gaming and accountability challenges in the single cases

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studied, the Norwegian and German systems seem to cope with gaming in different manners, as could be expected: The institutional context creates premises for resolving such issues that vary more with the actual governance setting than with the nature of a given case. Both systems are marked by a certain ambiguity and complexity defined by reforms history, institutional dynamics, and administrative traditions: the German legal-oriented, Bismarckian system is as ambiguous as the Norwegian consensus-oriented Beveridge-type system.

Keywords: *Hospital system, Diagnosis Related Groups, waiting list management, accountability, economic dysfunction, New Public Management, comparative approach*

References

Aucoin, Peter. 1990. "Administrative Reform in Public Management. Principles, Paradoxes, and Pendulums." *Governance* 3 (2): 115-37.

Beland, Daniel. 2007. "Ideas and Institutional Change in Social Security. Conversion, Layering and Policy Drift." *Social Science Quarterly* 88 (1): 20-38.

Bevan, Gwan and Christopher Hood. 2006. *What's measured is what matters: targets and gaming in the English public Health Care System*. In *Public Administration* (84:3) 517-538.

Bode, Ingo. 2012. "Processing Institutional Change in Public Service Provision. The Case of the German Hospital Sector." *Public Organization Review*. Published online 23 October 2012, DOI: 10.1007/s11115-0120201-z.

Bovens, Mark. 2007a. "Public Accountability." In *Oxford Handbook of Public Management*, eds.

Bovens, Mark. 2007b. "Analyzing and Assessing Public Accountability. A Conceptual Framework." *European Law Journal* 13 (4): 837-868.

Busse, Reinhard. 2000. "Germany opts for Australian Diagnosis-Related Groups." *Euro Observer* 2 (3): 1-3.

Busse, Reinhard, and Annette Riesberg. 2004. *Health Care Systems in Transition: Germany*. Copenhagen, WHO Regional Office for Europe on behalf of the European Observatory on Health Systems and Policies.

Busse, Reinhard, Jonas Schreyögg, and Peter C. Smith. 2006. “Editorial. Hospital Case Payment Systems in Europe.” *Health Care Management Science* 9 (3): 211-3.

Byrkjot, Haldor, and D.O. Torjesen. 2010. “Managerial Innovation in Health Care. The Introduction, Translation and Use of American DRG System in the Hospital Sectors in Norway and Denmark.” In *Mysterion strategike og kaintotomia*, ed. Harald Knudsen. Oslo: Novus Forlag, 130–48.

Byrkjot, Haldor, and Simon Neby. 2008. “The End of the Decentralized Model of Healthcare Governance? Comparing Developments in the Scandinavian Hospital Systems.” *Journal of Health Organization and Management* 22 (4): 331-349.

Byrkjot, Haldor, Tom Christensen, and Per Læg Reid. 2014. “The Many Faces of Accountability Comparing Reforms in Welfare, Hospitals and Migration.” *Scandinavian Political Studies* 37 (2): 171-195. DOI: 10.1111/1467-9477.12019.

Böcking, Wolfgang, Ulrich Ahrens, Wilhelm Kirch, and Mishael Milakovic. 2005. “First Results of the Introduction of DRGs in Germany and Overview of Experience From Other DRG Countries.” *Journal of Public Health* 13 (3): 128-137.

Christensen, Tom, Per Læg Reid, and Inger Marie Stigen. 2006. “Performance Management and Public Sector Reform: The Norwegian Hospital Reform.” *International Public Management Journal* 9 (2): 1-27.

Christensen, Tom and Per Læg Reid. 2001. *New Public Management. The Transformations of Ideas and Practice*. London: Ashgate.

Christensen, Tom, Per Læg Reid, and Lois R. Wise. 2002. “Transforming Administrative Policy.” *Public Administration* 80 (1): 153-158.

Cots, Francesc, Pietro Chiarello, Xavier Salvador, Xavier Castells, and Wilm Quentin. 2011. “DRG-Based Hospital Payment. Intended and

- Unintended Consequences.” In *Diagnosis-Related Groups in Europe*, eds. Reinhard Busse et al. New York: Mc Graw Hill, Open University, 75-92.
- Covaleski, Mark A., Mark W. Dirsmith, and Jeffrey E. Michelman. 1993. “An Institutional Theory Perspective on the DRG Framework, Case-mix Accounting and Health-care Organizations.” *Accounting, Organizations and Society* 18 (1): 65-80.
- Czarniawska, Barbara, and Guje Sevón. 1997. *Translating Organizational Change*. Berlin: De Gruyter.
- Day, Patricia, and Rudolf Klein. 1987. *Accountability. Five Public Services*. London: Tavistock Publishers.
- Donaldson, Cam, and Jon Magnussen. 1992. “DRG. The Road to Hospital Efficiency.” *Health Policy* 21 (1): 47-64.
- Ellis, Randall. 1998. “Creaming, Skimping and Dumping. Provider Competition on the Intensive and Extensive Margins.” *Journal of Health Economics* 17 (5): 537-555.
- Ewens Ferlie, Laurence E. Lynn, and Christopher Pollitt. *The Oxford Handbook of Public Management*. Oxford: Oxford University Press.
- Fetter, Robert Barkley. 1991. *DRGs*. Ann Arbor: Health Administration Press.
- Fetter, Robert Barkley, and Jean L. Freeman. 1986. “Diagnosis Related Groups. Product Line Management within Hospitals.” *Academy of Management Review* 11 (1): 41-54.
- Hafsteinsdóttir, Elin J.G., and Luigi Siciliani. 2009. “DRG Prospective Payment Systems. Refine or not Refine?” *Health Economics* 19 (10): 122-139.
- Hammerschmid, Gerhard, and Renate E. Meyer. 2005. “New Public Management in Australia. Local Variation on a Global Theme.” *Public Administration* 83 (3): 709-733.
- Hood, Christopher. 1991. “A Public Management for All Seasons?” *Public Administration* 69 (1): 3-19.

Hsiao, William C., Harvey M. Sapolsky, Daniel L. Dunn, and Sanford L. Weiner. 1986. "Lessons of the New Jersey DRG Payment System." *Health Affairs* 5 (2):32-45.

Jaklin, Philipp. 2003. "Neues Preissystem treibt Klinikkosten hoch." *Financial Times Deutschland* (ftd), April 29.

Jakobsen, Mads Leth Felsager. 2009. "The Effects of New Public Management. Activity-based Reimbursement and Efficiency in the Scandinavian Hospital Sector." *Scandinavian Political Studies* 33 (2): 113-134.

Kastberg, Gustaf, and Sven Siverbo. 2007. "Activity-Based Financing of Health Care – Experiences From Sweden." *International Journal of Health Planning and Management* 22 (1): 25-44.

Kickert, Walter J.M. 2002. "Public Governance in Small Continental European States." *International Journal of Public Administration* 25 (12): 1471-1491.

Kjerstad, Egil. 2003. "Prospective Funding of General Hospital in Norway – Incentives for Higher Productions?" *International Journal of Health Care Finance and Economics* 3 (4): 231-251.

Kjerstad, Egil, Frode Kristiansen. 2005. "Free Choice, Waiting Times and Length of Stay in Norwegian Hospitals." Health Economics Bergen Working Paper No. 21/05. Bergen, Institute for Research in Economics and Business Administration.

Levay, Charlotta, and Caroline Waks. 2006. *Strävan efter transparens. Granskning, styrning och organisering I sjukvårdens nätverk*. Stockholm SNS: Förlag.

Lægreid, Per, and Simon Neby. 2012. "Gaming the System and Accountability Relations: Negative Side-Effects of Activity Based Financing in the Norwegian Hospital System." Working paper 10-2012. Bergen: Uni Stein Rokkan Centre for Social Studies.

Løkeland, Turid. 2013. "Prestasjonsmåling på en kre avdeling. Ikke alt som teller kan telles, og ikke alt som kan telles teller." Master thesis, Department of Global Public Health and Primary Care, University of

Bergen.

Magnussen, Jon. 1995. "Efficiency Measurement and Hospital Financing. The Diagnosis Related Groups in Norway." In *The Nordic Lights. New Initiatives in Health Care Systems*, eds. Anita Alban, and Terkel Christiansen. Odense: Odense University Press 183-198.

Magnussen, Jon, Kjell Solstad. 1994. "Case-Based Hospital Financing: the Case of Norway." *Health Policy* 28 (1): 23-36.

Mahoney, James, and Kathleen Thelen. 2010. *Explaining Institutional Change*. Cambridge: Cambridge University Press.

Malena, Carmen, Rainer Forster, and Janmejay Singh. 2004. "Social Accountability: An Introduction to the Concept and Emerging Practice." Social Development Paper 76. Washington DC: World Bank.

March, James G., and Johan P. Olsen. 1995. *Democratic Governance*. New York: Free Press.

Martinussen, Pal E., and Terje P. Hagen. 2009. "Reimbursement Systems, Organizational Forms and Patient Selection. Evidence From Day Surgery in Norway." *Health Economics, Policy and Law* 4 (2): 139-158.

Mattei, Paola. 2009. *Restructuring Welfare Organisations in Europe*. London: Palgrave.

Mattei, Paola, Mahima Mitra, Karsten Vrangbæk, Simon Neby, and Haldor Byrkje ot. 2013. "Reshaping Public Accountability. Hospital reforms in Germany, Norway and Denmark." *International Review of Administrative Sciences* 79 (3): 249-270.

Mikkola, Hennamari, Ilmo Keskimäki, and Unto Häkkinen. 2002. "DRG-Related Prices Applied in a Public Health Care System – Can Finland Learn From Norway and Sweden?" *Health Policy* 59 (1): 37-51.

Morriem, E. Haavi. 1991. "Gaming the System. Dodging the Rules, Ruling the Dodgers." *Arch Intern Med* 151 (3): 443-447.

Mulgan, Richard. 2003. *Holding Power to Account. Accountability in Modern Democracies*. London: Palgrave.

Neby, Simon. 2009. "Institutional Reform and Governance in the Scandinavian Hospital Fields. The Dynamics of and between Change and Control." PhD dissertation, University of Bergen.

Neby, Simon. 2012. "Accountability and the Media. Single-Case Lessons and Patterns from Norwegian Health Care." Draft paper. Bergen, Uni-Rokkan Centre.

Norwegian Directorate of Health. 2012. "Nasjonal spesi sering av KPP-modellering 2012." Begreper og metoder. Norwegian Directorate of Health, Oslo.

NOU. 2003:1. Behovsbasert nansiering av spesialisthelsetjenesten (Need-based financing of specialist health care). Ministry of Health, Oslo.

OECD. 2012. "How Does Norway Compare?" OECD Health Data 2012. Opedal, Stale, and Inger Marie Stigen. 2005. *Helse-Norgeistøpeskjeen. Søkelyspåsykehusreformen*. Bergen: Fagbokforlaget.

Peters, B. G. 1996. *The Future of Governina: Four Emeraina Models*. Lawrence, KA: University Press of Kansas.

Pettersen, Inger Johanne. 1999. "Accountable Management Reforms. Why the Norwegian Hospital Reform Experiment Got Lost in Implementation." *Financial Accountability and Management* 15 (3-4): 155-170.

Pierson, Paul (2000a). "Path Dependence, Increasing Returns, and the Study of Politics." In *American Political Science Review* 94(2): 251-267.

Pierson, Paul (200b). "Not Just What, but When: Timing and Sequence in Political Processes." In *Studies in American Political Development* 14(1): 73-93.

Powell, Walter W. and Paul J. DiMaggio. 1991. *The New Institutionalism in Organizational Analysis*. Chicago: University of Chicago Presse.

Romzek, Barbara, and Melvin Dubnick. 1987. "Accountability in the Public Sector. Lessons from the Challenger Tragedy." *Public Administration Review* 47 (3): 227-238.

Scheller-Kreinsen, David, Alaxander Geissler, and Reinhard Busse. 2009. "The ABC of DRGs." *Euro Observer* 11 (4): 1-5.

- Schillemans, Thomas. 2008. "Accountability in the Shadow of Hierarchy. The Horizontal Accountability of Agencies." *Public Organization Review* 8 (2): 175-194.
- Schlingensiepen, Ilse. 2003. "Erste Abrechnungsdaten nach DRG schüren Misstrauen der Kassen—werden Klinik-Budgets nachverhandelt?" *Ärzte Zeitung*, May 2.
- Schreyögg, Jonas, Oliver Tiemann, and Reinhard Busse. 2006. "Cost Accounting to Determine Prices. How Well Do Prices Reflect Costs in the German DRG-system?" *Health Care Manage Sci* 9 (3): 269-79.
- Silverman, Elaine, and Jonathan Skinner. 2003. "Medicare Uploading and Hospital Ownership." *Journal of Health Economics* 23: 369-389.
- Stambolovic, Vuk. 2003. "Epidemic of Health Care Reforms." *European Journal of Public Health* 13: 77-79.
- Statistisches Bundesamt. 2011. *Gesundheit – Fallpauschalenbezogene Krankenhausstatistik (DRG-Statistik). Diagnosen, Prozeduren, Fallpauschalen und Case Mix der vollstationären Patientinnen und Patienten in Krankenhäusern Fachserie 12, Reihe 6.4.*
- Streeck, Wolfgang, Kathleen A. Thelen. 2005. "Introduction. Institutional Change in Advanced Political Economies." In *Beyond Continuity: Institutional Change in Advanced Political Economies*, eds. Wolfgang Streeck, and Kathleen Thelen. Oxford: Oxford University Press, 3-39.
- Thelen, Kathleen A. 2004. *How Institutions Evolve. The Political Economy of Skills in Germany, Britain, the United States and Japan.* Cambridge: Cambridge University Press.
- Thelen, Kathleen A., and Sven Steinmo. 1992. *Structuring Politics.* New York: Cambridge University Press.
- Schönfelder, Tonio, Silvia Balazs, and Jörg Klewer. 2009. "Kosten aufgrund von DRG-Upcoding durch die Einführung der Diagnosis Related Groups in Deutschland." *HeilberufeSCIENCE* 2 (3): 77-81.

Thompson, Dennis E. 1980. “Moral Responsibility of Public Officials. The Problem of the Many Hands.” *American Political Science Review* 74 (4): 905-016.

Thomson, Sarah, Robin Osborn, David Squires, and Miraya Jun. 2012. *International Profiles of Health Care Systems*, 2012. The Commonwealth Fund, November 2012.

Torjesen, Dag Olaf. 2008. “Foretak, management og medikrati – en sektorstudie av helseforetaksreform og ledelse i spesialisthelsetjenesten.” PhD dissertation, University of Bergen.

Wallis, Joe, and Robert Gregory. 2009. “Leadership, Accountability and Public Value. Resolving a Problem in "New Governance".” *International Journal of Public Administration* 32 (3-4): 250-273.

Wilke, Michael H., E.F.J. Hocherl, J. Scherer, and L. Janke. 2001. “Introducing the New DRG-Based Payment System in German Hospitals - a Difficult Operation?” *HEPAC* 2: 79-85.

Wismar Matthias, and Reinhard Busse. 2000. “Targets for Health in Germany.” *European Journal of Public Health* 10 (supplement 4): 38-42.

Wittmann, Dietmar. 2003. “Fallpauschalen ein Fall für die Gesundheitspolitik?” *Nürnberger Zeitung* May 20.

Wöhrmann, Stefan. 2003. “Wundersame Vermehrung.” *FOCUS* 29: 11.

Wright, Susan. 1994 “Culture in anthropology and organizational studies” in *Anthropology of organizations*. 1–31.