

Dear Governor Musgrave,

It was with pleasure that I read your article in Sunday's Clarion Ledger concerning health care in Mississippi. As a Pediatrician, I applaud the efforts of your administration to improve the health of our citizens. However, there is one area of importance to health care in Mississippi which I have never heard you or any other Mississippi politician address: tort reform.

The malpractice situation in this state is frightening. Health care providers can and are sued daily for things which are not their fault. As an example, in my county there are approximately 25 full-time physicians. Of this number, at least ten currently have a law suit against them or have had to settle out of court within the past two years. One of these people is dead, but the plaintiff's attorney is pursuing the case against his estate anyway. In addition, our hospital, the only one in the county, at last count had twenty suits against it. There may well be more of each; these are only the ones of which I am personally aware. It is difficult to provide quality health care while looking over one's shoulder to see what the ambulance-chasers are doing. I recall an incident two or three years ago when I had to provide emergency care to a seven year old child in our ICU *while his attorney was at the bedside!* I would not have imagined such a situation possible while in Medical School.

Millions of dollars are spent in this state annually on "defensive medicine", the ordering of tests or procedures, or the administration of medication for the sole purpose of "protecting" a doctor in the event of a lawsuit. I remind you that these are dollars being diverted from our finite supply of health care funds in Mississippi. As an attorney, you know better than most that under our current system, there is little incentive for a personal-injury lawyer not to file a suit. Given the nature of our tort system, he has a good chance of obtaining a settlement. In spite of the Trial Lawyers Association's protests about the costs of losing such a suit, all it takes is an occasional big win to make up for a number of losses. Were this not the case, we would not be seeing such an epidemic of such cases in Mississippi.

There are ways to protect health care providers from meritless lawsuits while still protecting the right of people who have been truly harmed by negligence to achieve justice. Other states have enacted such measures. The only reason for not doing so in Mississippi is to protect the earning potential of trial lawyers. I ask that you consider this in the future.

Sincerely,
Bob Tibbs, M.D.