

Received: from e3000b.state.ms.us
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for <governor@governor.state.ms.us>; Mon, 8 Apr 2002 12:29:02 -0500 (CDT)
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Received: from unknown (HELO notebook) ([65.142.74.190]) (envelope-sender <mdcnman@integrity.com>)
by mx1-sea.integrity.com (gmail-ldap-1.03) with SMTP
for <dgreen@mail.house.state.ms.us>; 8 Apr 2002 17:07:27 -0000
From: "David Harrison" <mdcnman@integrity.com>
To: <dgreen@mail.house.state.ms.us>, <rjohnson@mail.senate.state.ms.us>,
<governor@governor.state.ms.us>, <atuck@mail.senate.state.ms.us>
Subject:
Date: Mon, 8 Apr 2002 12:22:06 -0500
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charset="iso-8859-1"
Content-Transfer-Encoding: 7bit
X-Priority: 3 (Normal)
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook IMO, Build 9.0.2416 (9.0.2910.0)
Importance: Normal
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2314.1300
X-AntiVirus: scanned for viruses

Mississippi Congressional Leaders:

In southwest MS, we have a healthcare emergency developing. Of the 8 physicians who serve a 4 county area as well as 2 northern LA parishes, 7 will lose liability coverage by July 1 and the 8th will do so by September 1. Our hospital is the only hospital from McComb to Natchez. If our physicians can not get insurance, then there will be no hospital coverage and therefore no hospital/ER services for a significant proportion of the population here. Additionally, there is serious consideration among the physicians in the Natchez area to relocate to Vidalia, LA. If this occurs, then potentially there may be a void of healthcare services in this area that would simply be unacceptable.

The current administration, legislature, and previous administration has worked diligently to establish an effective trauma network. The governor should be especially responsive to this given his unfortunate accident and the immediate need which arose for access to medical services. My understanding is that the number of neurosurgeons in north MS has diminished from 12 to 3 over recent months. A significant portion of these are related to difficulties with medical liability. With the current liability climate, ER physicians and general surgeons will soon, if not already, have similar difficulties. These two specialties are the backbone of any trauma system. When these specialties begin to diminish, the trauma system will literally disintegrate. For a trauma victim, an extra 30 minutes in an ambulance is essentially the difference between life and death.

From a purely economic standpoint, it is in Mississippi's best interest to cap liability. MS was recently ranked as one of the worst state's for business ventures because of the litigious environment by a national economic magazine. If no measures are put into place to limit the "something for nothing" judicial climate, MS will continue to lag economically. These judicial meanderings must no longer be used as a substitute lottery. I have no difficulty with judicial reprimand and economic penalty for situations where real negligence exists. However, when lawyers and individuals receive ridiculously large sums of money for simply having taken a drug with no untoward side-effects, our system has gone astray. I am aware of a case where nearly \$20,000 has been spent in defense of drug class-action lawsuit when the physician has not even been contacted

for medical records for objective evidence of harm. He has not even spoken to a lawyer for the "prosecution" but yet has been named in the suit.

We as physicians are told by pharmaceutical companies and the FDA that a drug is safe after millions of dollars are spent on research and marketing, our patients come and often ask for the drug, but in the end we are left "holding the bag" and are sued by those very same patients when a very few have untoward effects from the drug. It is a sad situation when I refuse to prescribe a certain drug which I know the patient will benefit from because of our judicial climate.

We must limit non-economic damages to \$500,000 and curtail the burgeoning practice of class-action lawsuits against physicians and drug companies where patients are misinformed or not informed at all by lawyers in recruitment for involvement in these suits and lawyers are the real financial beneficiaries.

Thank you for your consideration,

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