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Joan Claybrook, President

April 6, 2004

Hon. William Frist
Hon. John Ensign
United States Senate
Washington, DC 20510

Re: "Pregnancy and Trauma Care Access Protection Act"

Dear Senators:

In advance of your plans to bring S. 2207 to the floor we performed a spot-check on anecdotes cited by the AMA in support of their arguments that malpractice lawsuits have reduced access to emergency and trauma care. We have updated the following anecdotes contained in the AMA's testimony on October 1 of last year. In each instance, the story about services becoming unavailable has not held up. We are providing copies of this letter to the media and therefore suggest that you avoid recycling these stories during floor debate. We also suggest that you verify any other anecdotes before using them in floor debate, inasmuch as the General Accounting Office's attempts to substantiate similar stories last year also turned up many exaggerations and half-truths.

Our own review of news reports from the states the AMA says are "currently OK" makes it clear that limiting the rights of victims of medical malpractice is no panacea for problems in delivering emergency care. Instead, the chronic problems of our health care system—too many uninsured, declining reimbursements, lack of doctors in rural and inner-city areas, and the defection of surgeons to doctor-owned specialty hospitals—must be addressed. Most of these problems could be resolved by instituting a single-payer universal health insurance program. We respectfully suggest that the Senate's valuable floor time would be better spent confronting these systemic problems, rather than trying to score political points with anti-lawyer rhetoric.

The following are updates of nine stories contained in the appendix to American Medical Association president-elect John C. Nelson's statement to the Subcommittee on Wellness and Human Rights, Committee on Government Reform, U.S. House of Representatives, October 1, 2003. We telephoned a cross-section of offices mentioned in stories relating to medical personnel who would be covered by S. 2207.

- The AMA claimed that Dr. Seth Krum, an orthopedic surgeon who practices outside Philadelphia, was "considering leaving the state" in January 2003. Fifteen months later, however, Dr. Krum is still practicing and is taking new patients.

- The AMA claimed that Dr. Carol Ludolph, “a neurosurgeon in Philadelphia, said that \$170,000 in liability insurance premiums forced her to stop performing brain surgeries” in 2002. However, calls to her office confirm that Dr. Ludolph is still taking new patients and still performing brain surgeries.
- The AMA claimed that “neurosurgeons in Lancaster [Pennsylvania] blame high liability insurance costs for their inability to recruit an additional surgeon and two neurologists to their practice... this physician shortage could compromise their ability to treat patients.” Their ability to treat patients seems uncompromised, however, because the neurosurgeon group in Lancaster is still taking new patients.
- The AMA claimed that in February 2003 Dr. Terri Hellings, “a Levittown neurologist who makes house calls to elderly patients, is fed up with the state’s skyrocketing liability premiums” and “is thinking about leaving the state.” More than a year later, however, Dr. Hellings is still in Pennsylvania and is still practicing.
- The AMA claimed that in April 2003 Geisinger Health System had “closed community-based obstetrics practices at Bloomsburg and Sunbury hospitals” in Pennsylvania forcing “pregnant patients [to] travel to Dunville for delivery.” A year later, however, Geisinger is still running its obstetrics operations at Bloomsburg and Sunbury.
- The AMA claimed that Jefferson Health System in Pennsylvania had closed its obstetrics ward in April 2002 due to “skyrocketing liability insurance premiums.” Two years later, however, Jefferson’s obstetrics ward is still running and is accepting new patients.
- The AMA claimed that Dr. Margaret Hawn of Harrisburg, Pennsylvania “will stop delivering babies in June 2003 because of high medical liability insurance premiums and a legal climate that inspires fear in well-meaning doctors.” Ten months later, however, Dr. Hawn is still accepting new obstetrics patients.
- The AMA cited a May 2003 report about a group of 10 neurosurgeons in Washington State who had “been dropped by their medical liability insurer, creating a potential shortage of brain and spine surgeons in the Puget Sound Region.” More than 10 months later, however, the neurosurgeon group appears to be doing fine because it is taking new patients at several of its medical centers.
- The AMA said that in May 2003 the community of Mount Vernon, Washington had lost six of its nine obstetricians. But a call to Skagit Valley Hospital’s Family Birth Center determined that five obstetricians, as well as some family practitioners and midwives, are delivering babies in Mount Vernon and that there are between 100 and 120 deliveries at the Skagit Valley Hospital each month.

Sincerely



Joan Claybrook
President