

## **Eternal Optimism**

The state ArMA meeting each year brings the state's physicians together to share our concerns and attempt to set a course towards corrective action. Dr. Bruce Bethancourt's strong leadership this year has been greatly appreciated and the meeting highlights will be featured elsewhere. The issue at this year's convention, which was most pressing, was, of course, the liability crisis and we heard of more doctors in peril because of its effects. I would add that their patient's medical care is likewise at risk.

You should know that this crisis is being approached by your medical organizations in several ways and at multiple levels. Hopefully, with a unified effort, success will be ours as quickly as possible. ArMA's state reform task force is reviewing amending the state constitution if necessary to limit liability. Other efforts short of that difficult job, such as, asset protection reform, lowering liability requirements for hospital staff memberships, loser pays, liability protection for volunteer physicians, tax credits for liability premiums, surcharges for liability premiums and others are being looked into. Some efforts are more extreme than others. One such example of extreme measures is that physicians are doing more than talking about not treating malpractice lawyers; some have actually refused treatment to them. Such measures are extreme and very likely to backfire on the physicians, but actions such as this made national headlines in USA Today. As I write this, the delegates to the AMA convention in June will carry the message to our national organization which is working hard on this problem.

My efforts are directed towards federal reform. I chair ArMA's federal task force and believe we can make a difference if we act. Many have said that it is a futile effort because the Senate is tied up by hopeless Democratic opposition requiring 60 votes to break the filibuster. Perhaps the only eternal optimist, I believe we can accomplish much particularly since we have right on our side and if not addressed, the nation's access to medical care is in jeopardy. This is the year we need to identify our key state and federal opposition representatives and play a significant role in their reelection efforts. I continue to focus on the South Dakota and other Senate races. In South Dakota, Congressman John Thune is now within 2 percentage points of Senator Tom Daschle in the latest poll. I strongly urge you to support John Thune's campaign ([www.JohnThune.com](http://www.JohnThune.com)).

Doctors suffer from the image that they are politically docile unlike the trial attorneys. We need to urge our colleagues to be proactive financially and politically this year. Be informed of key races and please be generous supporting your candidates. I believe if the Presidential race goes strongly for the Republicans that many close Senate races could fall our way, and we may be a long way towards solutions. Perhaps an enlightened Congress would act to remove medical liability from the tort system altogether and move towards appropriate compensation to injured patients along the workers compensation model. Effective political action leads to more influence and opens the ability to influence a variety of federal action. Inaction accomplishes nothing, but with a positive attitude and a unified push, log jams can be broken up – even Democrats.

**Bryan R. Updegraff, M.D.**  
**President**