

Obstructions On All Sides!

If you think rooting for the Arizona Cardinals or this years' Phoenix Suns is a frustrating experience, try working towards malpractice reform. Here we have a bill limiting non-economic damages to \$250,000 through the House of Representatives and strongly supported by the President. We have a national crisis of availability of insurance and medical services in many areas. Then add to that a public awareness and hopefully sympathetic ears after massive national exposure including the cover and feature articles in *Time* and *Newsweek* magazines.

Would you not think after all this momentum that we could at least get it to a vote in the Senate where it apparently would pass if it got to the floor? According to Senator Jon Kyl (a major supporter of the bill and a great friend of all who care about medical care for the people), the bill has very little likelihood of gaining even a single vote given the current makeup of the Senate. Hence my call last month for political action against the obstructing Senators (i.e. Senator Tom Daschle (D-SD)). In fact, since the Democrats in the Senate are essentially all against common sense reform of this broken tort system, we should target any of them involved in a contested re-election this fall.

While the situation does not appear as serious here in Arizona compared to other states, our members should not feel particularly immune to the crisis. You have probably noticed that your rates have increased by 17% this year. Are you aware that some insurance carriers have withdrawn from our market and MICA does not insure all of our members? They have, in fact, dropped some members forcing them into the open and difficult market for coverage. One group of ER physicians' coverage jumped by 300%. That would get your attention and has spurred action by a group of physicians in Yuma and elsewhere to push for state-based reform.

Therefore, the Arizona Medical Association has formed a committee to review all the options and come to recommendations for action. Meaningful reform of this tort system in Arizona requires a constitutional amendment to allow the legislature to even consider a limit on these damages. We tried that in 1986 and came within 4,500 votes of passage, despite the trial lawyers' typical distortion and obfuscation of the issue. One photo of a wheelchair bound patient equals a bucketful of common sense. Perhaps a photo of a badly injured patient taken to a closed emergency room would deliver the message.

So there is the frustration! The Arizona Cardinals problems may be no offense or defense, but our problems are obstructions on all sides. The medical leadership at the state, county and national levels is focused on action. The question is, what action is most likely to result in effective solutions to this major problem? To me the critical thing is that we all march together in the same direction.

Where is Vince Lombardi when you need him?

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