

Takin' Care of Business

On the evening of February 22nd Senator John Kyl met with members of the medical community at ARMA headquarters. The avowed purpose of that evening's program as articulated by the senator was to get "in-touch" with the medical community on the issues that concern physicians and to garner the advice of the medical community; accumulating "ammunition" for the upcoming battle on capitol hill in the arena of tort reform. Senator Kyl is truly a valuable "friend of medicine." He is an essential ally in our fight to preserve the practice of medicine. In the senator's presentation and in the dialog that followed, it became obvious to those in attendance that tort reform as we know it (caps on non-economic damages) is not likely to be an obtainable goal during the current legislative session. Indeed it will be an "uphill battle" to accomplish this goal next year as well. It may not ever be achieved in its desired form.

Senator Kyl recognized, as do all of us, that the "other side" of tort reform is improved reimbursement. With the economic means to absorb the ever-increasing costs of liability insurance we can sustain the private practice of medicine. Without additional sources of revenue medical practices will be litigated and legislated out of existence. The senator clearly understands this and addressed the flawed Medicare reimbursement formula. This too involves complicated and cumbersome negotiating on "the hill." Physicians don't understand the actuarial gymnastics of Medicare, the public certainly has no clue, CMS has a hard time explaining it, and I can guarantee you that the majority of our senators, congressmen and women are neither as astute nor as well informed on the issue as the distinguished senator from Arizona. The bottom line here is that the federal government will be an unlikely source for our salvation. We need to roll up our sleeves here and now, in our own "backyard," if we expect to change the catastrophic course medical practice in Arizona seems destined to follow.

To accomplish any change we need to do more than complain in the doctors' lounge or surgery locker room. We need both information and action. In order to influence the actions of our state legislators each of us need to know not only what legislation is pending and how it affects physicians, but also who are our "friends" and equally important, who are our "foes." It seems easier to get physicians to support a legislator who is for us than to marshal our colleagues to gain influence over those who would oppose us. We find it easier to write a check than to write a letter. ARMA and our county medical society must also be more of a resource to direct those efforts than they have been in the past.

Tort reform is only one legislative issue. Asset protection, judicial rules, scope of practice in the "para-medical" fields, insurance reform and regulation are just a few of the issues being floated across the legislative landscape here in Phoenix at our state capitol every day. We can't afford (as Senator Kyl pointed out) become focused on one goal alone. While tort reform and a cap on damages is the high ideal we should never stop pursuing, it is important to expand our focus here in Arizona. Changes in legislation at the local level will have the most profound and immediate effect.

Here's the "take home message." Be better informed and be involved. Subscribe to ARMA's weekly email services, read the 'legislative updates'. Write a "letter to the editor" every time *The Arizona Republic* prints another "doctor bashing" tabloid spread disguised as a news story. Express yourself in email, a phone call, or letter to both the backers and to the opponents of the legislation that will affect your practice and encourage your peers to do the same. Send a check to ARMA's tort reform effort (Arizona for Access to Medical Care). Do not accept managed care contracts you barely understand let alone are not sufficient to cover of your practices' costs. Do not expect the federal government to accomplish that which we cannot accomplish with hard work here, at home, in Arizona. Do not lament the "future of medicine" change it.

See you next month,

Marc J. Rosen, M.D.
President