

### **The Victim or the Accused?**

As I begin my tenure as president of your Society I must acknowledge the debt we all owe to our outgoing president, Dr. Bryan Updegraff. Bryan has been an able leader and friend. He has rekindled the spirit of organized medicine in Maricopa County by his efforts in organizing the recent rally in support of tort reform that attracted over 2,000 participants. My earnest hope is that at the end of my tenure I will be considered a worthy successor to the post he has now vacated.

I intend to continue to fan the flame kindled by my predecessor and to go one step further to suggest to you that, while enactment of some measure of relief from the oppressive atmosphere of medical liability litigation is mandatory, the private practice of medicine as we know it is under assault on many fronts. While we have focused on this issue for the present it is imperative that we form a strong and unified bond against those who will continue to erode our ability to care for our patients utilizing the best practices and the skills we possess, and conspire to hobble the medical profession from participating in our county's free market economy. The skills you possess are solely *your* intellectual property. No one can clip the aneurysm, put a rod in a fractured tibia, remove the cancerous growth, restore the lost vision, and start the still heart except the physician. Ours was once the most respected of professions, the pillar of decency and trust in American society. The duties haven't changed but the rewards have slowly disappeared.

As physicians we all stand accused on a daily basis. Our transgressions need to be chronicled on the front pages of the newspapers. Federal legislation has blossomed to protect our patients' privacy. The fear that we will steal from public coffers has spawned legions of enforcers who may appear at any moment in our places of business. The specter of litigation has taken the place of common sense and medical science in diagnostic testing, prescribing practices, and in performance "high risk procedures" (a high risk procedure used to connote danger to the patient it now seems to imply only a heightened risk of litigation). We are prohibited from investing in our own enterprise by laws limiting physician ownership in those entities. As physicians we are subject to the greatest "price-fixing" scam our economic system has known as insurance companies utilize a federal entitlement (Medicare) upon which to base physician reimbursement sharing that data with others in their industry. When physicians make an attempt to accumulate like data we're subject to heinous penalties. Together we stand accused without a trial by a jury of our peers in sight; guilty by nature of our profession with little hope of being proven innocent.

We can no longer silently suffer the onslaught of these accusations. As victims of any injustice we need to bring the weight of these inequities to light. This can only be done by a cohesive, powerful, organized consortium of those that have the most to lose; you the physician, and those you serve, our patients. The fight for medical liability reform goes on. We can not be content that in waging that battle, even if we're lucky enough to win, that our profession as we know it today will be saved. Our salvation as any "victims' rights" organization has shown is in unity and solidarity. It is more important than ever that our state and county medical societies address this glaring public relations deficit, help prevent the continued theft of our intellectual property, and oppose in unison those who would infringe upon our duties to our patients. There was never a better time to ask each of your colleagues to join those organizations.

It has been said that, “knowledge is power.” I’d like to be able to respond to all of your concerns on these issues rather than to repeat what I’m sure are our collective frustrations in successive issues of the “Round-Up” each month. I invite you to email me at [azbonespecialist@yahoo.com](mailto:azbonespecialist@yahoo.com) with specific issues that you feel need to be addressed in these pages. Each month rather than listen to only my opinions I would hope to disseminate the knowledge gleaned of others on specific issues that you as members feel your society should address. Where necessary this will be done in anonymity and any responses I receive will be held in strict confidence unless instructed otherwise. Any references to medical literature or media references will need to be annotated so their accuracy can be verified. It’s time to hear from the victims and to silence the accusers.

See you next month,

Marc J. Rosen, M.D.  
President