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EXHIBIT 2
DATE 1-26-05
HB 24, 217, 59

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January 26, 2005

House Human Services Committee
Montana State Legislature

Re: HB24, HB59, HB217

Dear Honorable Members of the Human Services Committee:

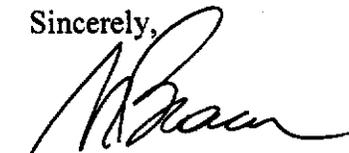
I have been in practice in Montana for 4 and 1/2 years. Within that time, my medical liability insurance has risen 25-35% per year, and I have not had any claims. I am a pathologist, which places me in a "moderate" risk category. Several specialties in Montana have seen their premiums rise even more dramatically in recent years, in some cases 150% and greater. The current climate in Montana cannot be sustained if patients are to have access to quality medical care.

HB24, HB59 and HB217 all address the ability of a physician to express sorrow, regret or condolence to a patient and/or their family. The ability to do so strikes at the core of the physician-patient relationship, which is built on a foundation of trust and open communication. Currently, physicians are counseled by their attorneys and insurance companies to avoid any of these humanistic expressions, which interferes with the open relationship that must occur for full healing to occur. As a pathologist, I take care of critically ill patients with rare blood disorders in which the mortality rate is 30-40%. When a patient dies or the outcome is not as positive as anticipated, we all feel a sense of regret. I myself often ask questions such as, "is there something I could have done better?", "was I aggressive enough in my treatment plan". I often feel the need to communicate these feelings to the family.

Physicians hold themselves to a higher standard, and often feel a sense of remorse or even fault when an outcome is not as expected. Those feelings may be expressed to the patient or family, even when no error occurred. We need the ability to communicate our feelings to patients and their families, as we, too, are human.

I ask for your strong support for these bills and the ability to express sympathy to our patients and their families.

Sincerely,



Michael S. Brown, MD