

EASTERN RADIOLOGICAL ASSOCIATES

R. REX DIETZ, M.D.
JOSEPH P. DILLARD, M.D.
MITCH GALLAGHER, M.D.

January 26, 2005

ANNE W. GIULIANO, M.D.
JOHN V. HANSON, M.D.
KATHLEEN RYAN, M.D.

EXHIBIT 3
DATE 1-26-05
HB HB 24, 217, 26

Re: H. B. 24, H. B. 59, H. B. 217

Dear Honorable Members of the Human Services Committee:

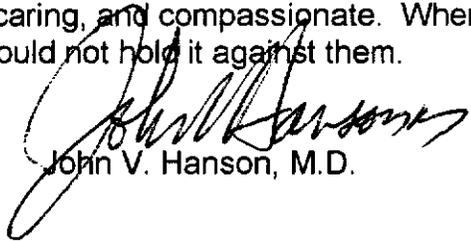
These three bills are nothing more than commonsense. I entered medical school in 1971. In the past 34 years in medicine I have NEVER seen a single physician intentionally or deliberately injure a patient. Physicians by their nature and training are compassionate and caring people. When a patient is suffering; doctors reflexly show sympathy. That act of human kindness should not be misinterpreted for something it is not and it certainly should NEVER be misconstrued as an admission of medical liability.

When you bump into a person at the grocery store, you apologize with, "Excuse me, please." When you sneeze or cough in public, you apologize with, "Pardon me, please." When a friend or family member is sick or injured you comfort them with, "I am sorry." These expressions of common human kindness do not infer negligence and should not be misconstrued as such.

These compassionate expressions of concern between a doctor and his/her patient or family can be easily misinterpreted in cases where there is severe illness or death. My father died 2 or 3 days after a routine carotid surgery in another state. He had recovered beautifully from surgery and was sitting up in bed when he probably suffered a fatal blood clot to the lungs. The doctor, who had done his surgery said to me and my family, my Mother, two brothers, and a sister, quote "I am sorry your father/husband died. Maybe we should not have done the surgery."

My one brother immediately asked me, "Is he saying Dad's surgery was unnecessary?" I replied, "Of course not." Prior to the surgery I had four surgeons, two in Billings and two in Dad's hometown, review Dad's needs and indications for surgery. All four surgeons agreed my Dad needed the surgery. Dad agreed. Mom agreed. I agreed. And Dad did fine after the surgery. None of us could have predicted a fatal outcome. In fact, death after a carotid surgery is very rare. Dad's doctor merely expressing his care and concern for my family and me should not be misconstrued as some sort of admission of guilt that is not there. But you can see how my brother misunderstood it. Doctors feel terrible when their patients die, and when it happens, they commonly express concern and compassion for their patients and families. This must not be misinterpreted as an act of medical liability admission because it is no such thing.

All of us want our doctors to be kind, caring, and compassionate. When they express human sympathy for us, we should not hold it against them.


John V. Hanson, M.D.