

EXHIBIT 5
DATE 1-26-05
~~HB 24, 217, 59~~

Testimony for House Human Services Committee

January 26, 2004

Bills:

- HB24 - Restrict evidence of expressions of sympathy
- HB25 - Limit health care provider liability for other person's act or omission
- HB26 - Restrict liability of health care provider for ostensible agency
- HB59 - Restrict evidence of sympathy by health care provider
- HB217 - Restrict evidence of expressions of sympathy by health care provider

Madam Chair, members of the committee, for the record my name is Marti Wangen, Executive Director of the Montana Podiatric Medical Association. We stand today in full support of the bills being presented to you today regarding Medical Malpractice.

On October 7, 2003 Montana Podiatrists received letters from their main insurer, Podiatry Insurance Company of Montana or PICA. The letter states:

"This decision is necessary due to the current adverse legal climate that exists in Montana and is not being taken as the result of our malpractice experience with any individual or group of providers."

This decision nearly lead to Montanans not having access to podiatric services.

Podiatrists not associated with hospitals or clinics came to the 11th hour of losing their insurance before two companies stepped forward to provide the coverage. While grateful to have this coverage available, we are concerned for what may happen if these insurers are unable to continue writing policies in the state.

Please **support** and **vote yes** on the bills before you today to help insure continuing access to care for Montanans.