

EASTERN RADIOLOGICAL ASSOCIATES

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Re: H.B. 64

January 26, 2005

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EXHIBIT 14
DATE 1-26-05
RE HB 64

Honorable Members of the Human Services Committee:

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. The vast majority of these 'malpractice claims' are merely allegations.

Medical Liability can be a very complex and confusing situation for the layperson to understand. To proceed with a claim, the *standard of medical care* must be defined for the jury. The courts use *Medical Expert Witnesses* to educate the citizen juror on the appropriate level of care.

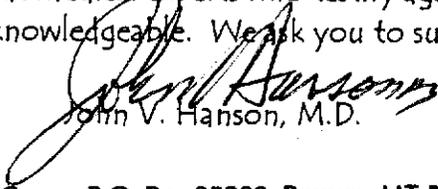
House Bill 64 seeks to ensure that a Medical Expert is qualified, competent, and knowledgeable in the specific area of medicine to which he or she testifies. This is only fair. Too often these "Medical Experts" are essentially "hired guns" that will say anything for a buck. H.B. 64 helps ensure that these 'experts' attacking your hometown doctor are *'thoroughly familiar with the standards of care and medical practice'* that is the issue of the medical liability claim.

For example, at a Montana Medical Legal Panel hearing last year a New York Neurosurgeon testified by deposition that a Montana Radiologist has misinterpreted a CT scan on a Montana patient. I showed that same CT scan to 4 radiologists in Billings; all read it as normal. The defense medical expert was a radiologist from Washington State who routinely reviews all CT scans in patients at Harborview Medical Center who present with the same diagnosis as the Montana patient. He concurred that the CT study was normal. The New York doctor was not qualified to make that opinion. He is of a different specialty and he was just plain wrong.

The result of incompetent and unqualified medical testimony is to have good Montana doctors falsely accused of malpractice. Not only is this inappropriate and unfair, but it is driving good doctors to retire early or to curtail their practices. For example, there are areas in the country that are losing mammography services because of increasing litigation involving the diagnosis of breast cancer.

In addition, medical liability costs for doctors are sky-rocketing. In my group of 6 radiologists our medical liability premiums have increased approximately 20% in 2001, 20% in 2002, 50% in 2003, and 70% in 2004. That is 150% in 4 years. AND none of my partners or myself has been involved in a medical liability lawsuit or even a settlement. We have been to the Montana Medical Legal Panel a total of 11 times in 4 years for a potential claim. The total vote in our favor saying there was NO MALPRACTICE has been 65 to 1.

We are asking you to ensure that medical experts who testify against Montana doctors be qualified, competent, and knowledgeable. We ask you to support H. B. 64.


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