EXHIBIT 8
DATE 1/25/05
HB 238

Tersh McCracken, MD
2914 Glenwood Lane
Billings Montana 59102

Dear Committee Members,

As a practicing Ob-Gyn and MMA member, I have several concerns regarding HB 238, The Unborn Child Pain Prevention Act. I am opposed to the bill on certain grounds that directly effect physicians and their patients.

First, I am opposed to legislation that creates a situation where the government directs the physician in matters of medical practice. Imagine the state telling orthopedists that all arm fractures need to be treated under an axillary block, or that all dental patients must be offered nitrous, or that appendectomies should be performed only laparoscopically. Of course, these examples are ludicrous, but my point is that we need to keep the government out of the practice of medicine.

Secondly, the act creates paperwork that is burdensome, and some could argue, punitive. What doctor's office does not have enough paperwork already? This is a bill that creates needless paperwork for its physician members. Many would argue that the sole purpose of this paperwork is to allow members of the anti-abortion movement to track who is providing abortions and who their patients are for the purpose of harassment.

Thirdly, the Bill creates unwarranted penalties for physicians not in compliance.

Finally, I think we need to be sensitive to the situation of our patients. No woman comes to the decision of abortion easily or lightly. Many terminations after 16 weeks are done after prenatal testing reveals a serious anomaly. Most women are sad, scared, and remorseful, and don't need to be confronted with a pamphlet designed by the state. These discussions need to be exclusively between a physician and the patient. Thinly disguised pamphlets, based on little science, not written by people who have ever provided abortion services have no place in the patient physician relationship.

In summary, this legislation represents government interference into the medical aspects of a physician's practice, the creation of needless and burdensome paperwork, the threat of unwarranted criminal penalties, and intrusion into the physician-patient relationship.

Thank you for your consideration. Please give this bill a DO NOT PASS.

Sincerely,

Tersh McCracken, MD, FACOG
Chairman, Montana Section
American College of Obstetricians and Gynecologists