



A message from . . .

The President

OUR LEGISLATIVE PROGRAM

BY the time you read this the Legislature will be in session. Measures recommended by the Steering Committee of the Association's Committee on Legislation and approved for sponsorship by the Council are intended to provide a more rational and reasonable system for the trial or settlement of medical malpractice actions. When enacted, this system should help reduce the cost of liability insurance and thereby decrease the cost of medical care for all.

A brief summary of measures our Association has introduced include those to: (1) limit the statute of limitations to a more reasonable time frame; (2) introduce collateral sources of payments for damages; (3) determine reasonable and equitable contingency fees for attorneys; (4) eliminate demands for outlandish sums of money in claims; (5) establish reasonable limits to awards for non-economic loss; (6) establish degrees of liability proportionate to the degree of responsibility if more than one party is involved; (7) provide for periodic payment of damages so the award goes to the injured party; and (8) provide appropriate copies of records to be available to patients.

This legislation will *not* be a shield to protect MDs or to prohibit lawsuits for negligence. Anyone who has an injury from negligence is entitled to just, reasonable, and equitable compensation for it. The key words, though, are "just, reasonable, and equitable." A medical misadventure is not a reason to reap windfall profits for the patient or the attorney, any more than having an operation should be a reason for the patient to

submit bills to three different insurance companies to profit from the illness.

The intent of our legislative program is to put a damper on unreasonable and exorbitant awards, disproportionate to the injuries sustained, to plaintiffs and attorneys alike, *not* to deny reasonable, just and equitable compensation to those who have truly suffered injury. We must pass this measure on to our legislators, our patients and the public. If we do not, in the end all of us will pay the inflated cost.

In discussing these and other issues with several members of the Legislature, I have found them receptive and willing to listen. They appreciate knowing the facts, for these issues are clouded by emotion, and emotional issues are hard to deal with rationally and logically. The ball is in our court now. If you, the Membership, are not interested enough to initiate a discussion, make a phone call, or write a letter, we cannot expect the members of the Legislature to be interested enough to make the hard choices required of these emotion-laden issues. They want and need the information we can provide in order to make some hard decisions. It is the duty and responsibility of each one of us to do all he or she can to provide this information. We must not abdicate this responsibility.

A handwritten signature in cursive script that reads "Harry Shannon M.D.".

Harry Shannon, M. D., *President*
West Virginia State Medical Association