



HOUSE JUDICIARY COMMITTEE
February 17, 2004

HB 1413
Relative to the creation of mandatory screening panels for medical injury claims

Testimony

Good morning, Mr. Chairman and members of the Committee. My name is Beverly Robinson, and I am General Counsel of St. Joseph Hospital in Nashua, New Hampshire. I am testifying today on behalf of the New Hampshire Hospital Association and its 32 member hospitals.

St. Joseph Hospital and all of New Hampshire's hospitals support the passage of House Bill 1413. As you know, hospitals and physicians have been hit hard by the soaring cost of malpractice insurance premiums. What's worse, we're beginning to see a new phenomenon – physicians giving up high-risk procedures in order to lower their malpractice insurance costs – or worse yet, physicians giving up their practices.

If we don't take correction action now, New Hampshire stands to lose ground in terms of our access to quality health care services. Already, New Hampshire hospitals and physicians pay 40% more for malpractice insurance premiums than our counterparts in Maine where mandatory pretrial screening panels have been in place since 1987. The numbers speak for themselves – last year, as premiums in New Hampshire rose by 40%, malpractice premiums in Maine increased by only 7%.

The benefits of Maine's panel system include a fair and balanced means to identify meritorious cases; a reduction in litigation expenses for both claimants and respondents, faster resolution of claims, savings in judicial resources, and settlement of claims.

Unless the rate of increase of physician malpractice premiums is slowed down in New Hampshire, physicians will migrate to states where tort reforms have been enacted. If New Hampshire does nothing to rein in malpractice premium costs, our state will look more like Florida, Michigan and Pennsylvania, where in 2003, the rates for internists were as high as \$65,000; for general surgeons - \$226,000; and Ob/Gyns - \$249,000. And where will these physicians go? They'll go to Virginia, where an internist pays \$2900 per year; a general surgeon pays \$9300; and ob/gyns pay \$15,000 per year. And why would younger physicians choose New Hampshire as a desirable place to practice medicine, particularly those physicians on whom we depend for highly specialized care?

Combined with the out-migration of physicians, we're looking at a future shortage of physicians to treat the citizens of our state. In the North Country where resources are thin, we're already seeing areas where women cannot deliver their babies. Are new physicians moving up there to fill in the gap? On the seacoast, an Ob/Gyn has limited her practice to gynecology. Had she continued performing obstetric procedures, her malpractice premium would have tripled. In the southern part of the state, surgeons are seeing a 30% increase in their rates, and Ob/Gyn physicians in Nashua pay \$54,260. Attracting physicians to our state to meet the current and future health needs of our citizens means that we must do whatever we can to make practicing in New Hampshire attractive. While New Hampshire hospitals are playing an increasingly critical role in recruiting physicians to the state, we cannot achieve this goal alone.

I urge you to pass House Bill 1413, and to act now to put mandatory pretrial screening panels in place so that injured parties are protected through a system that promotes the efficient use of judicial resources, while maintaining access to affordable health care.

Thank you for the opportunity to appear before you today. I'd be happy to answer any questions you may have.