

October 1, 2003

“Dying for Help: Are Patients Needlessly Suffering Due to the High Cost of Medical Liability Insurance?”

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Chairman Burton and distinguished Ladies and Gentlemen of the committee, I thank you for your concern and interest into the malpractice crisis affecting America.

My name is James Tayoun; I was born and raised in Philadelphia where I currently practice surgery. I am a Board Certified General Surgeon and Board Certified Vascular Surgeon in private practice. I am Chairman of the Department of Surgery at St. Agnes Medical Center and Burn Center. I am Director of Vascular Surgery Fellowship at Philadelphia College of Osteopathic Medicine and serve as the president of the Politically Active Physicians Association.

I started my practice in 1997 and purchased Medical liability insurance for \$28,789.02. In one year the same policy with no claims increased to \$44,080.40. I changed companies in 1999 for a savings of \$50.00 paying \$43,980.40. This increased in the year 2000 to \$54,639.60 followed by another increase in 2001 to \$65,414.85. In short, just from 1997 to 2001 my insurance increased over 500%. By the year 2002, with two claims made but dropped by the plaintiffs, my insurance went to \$133,437.69. Adding insult to injury my insurer also informed me they will no longer be offering insurance forcing me into what is called a “claims made policy”.

At this point in my career, I researched other areas where I could obtain affordable insurance. I found I could get insurance from the same company that left Pennsylvania for \$34,000 by moving my practice ten minutes from my present location into New Jersey. If I moved my practice twenty minutes into the state of Delaware, my rate was quoted at \$7,500. How can it be the same surgeon, performing the same procedures but in different states face such a dramatic fluctuation in malpractice insurance?

The malpractice system is now propelled by runaway verdicts causing increases in frivolous lawsuits. This cause private insurance carriers to leave the state allowing for the few remaining to gouge the captive market of physicians. With this plight we turned to our elective officials for help. In Pennsylvania this was met with pessimism at first, followed by small attempts at relief. The legislative assistance was too little and too late. Because of that physicians in Pennsylvania realized that we can no longer stay on the sidelines and allow others to direct our profession. So in July of 2002, we formed the Politically Active Physicians Association (P.A.P.A.).

P.A.P.A. believes in preserving access to high quality healthcare. We will accomplish this goal by educating our elected officials and patients. We are now doing this by supporting those candidates who believe in this philosophy. In one year PAPA has grown to 5000 physician members and has now opened membership to non-physicians in the form of P.A.P.A. Auxiliary.

P.A.P.A. is recruiting a physician captain at every hospital in each municipality where we now have chapters. The captain will help inform and organize the physicians at their designated hospital and will connect with other captains through the county coordinator responsible for that region. P.A.P.A. is providing information and training to help members better educate their patients on the crisis effecting their access to quality health care. P.A.P.A. has formed a PAC, which now distributes literature supporting candidates who have won P.A.P.A.'s approval. These candidates fully understand the nature of the crisis or have shown that understanding through their actions in elected office.

Pennsylvania has eight medical schools and is home to world renowned universities training doctors in all specialties. Despite this great resource for developing young physicians, the state of Pennsylvania has dropped in rank from 12th in 1996 to 41st in the nation by the year 2000 for retaining young physicians. The age of the average practicing surgeon in Pennsylvania is now 50 years old. It takes a new surgeon approximately 15 years of practice, with the support of senior physicians on staff for guidance, to become seasoned, thoroughly competent and to skillfully meet any emergency.

To understand the crisis of no young physicians staying in Pennsylvania, P.A.P.A. sent a survey to 150 hospitals throughout the state requesting the age of the youngest physician in several different categories. The following charts represent the youngest physician actively on staff at 32 hospitals who responded.

Chart One represents the youngest general surgeons. Philadelphia's Mercy Hospital youngest surgeon is 54 years old. Philadelphia Mercy Hospital is located in a poor rural neighborhood. When a physician in Philadelphia does the same job as a physician in the Mayo Clinic, the Philadelphia physician is penalized by Medicare for being in a heavily populated region and their reimbursements are greatly reduced. I ask you, why should a young physician take a position where they will earn substantial less than most every other area in the country, and have the highest malpractice premiums?

Chart Two represents the youngest neurosurgeon. Out of the 32 hospitals responding only 15 had neurosurgeons actively on staff. Lower Bucks Hospital's youngest neurosurgeon is 55 years old, with Philadelphia Mercy Hospital and Mercy Fitzgerald, both in poor areas coming in a close second, with their youngest neurosurgeons being 54 years old. The malpractice cost have skyrocketed 1500% while reimbursements have decreased steadily from Medicare and private insurers. Again, I ask why would a young physician stay in Pennsylvania?

Chart Three represents the youngest urologist from the 32 hospitals who responded. 19 of the youngest physicians are over the age of 40, with Charles Cole Hospital's youngest urologist being 62 years old. Physicians have struggled for years to make ends meet with the continually decreasing reimbursements and climbing cost. Any reasonable person can see there are no young physicians choosing to set up practice in Pennsylvania.

Chart Four represents the youngest ENT physicians. Charles Cole is again hit hard with their youngest active physician being 59 years old. There are only 21 ENT's under the age of 40.

Chart Five is the most frightening. Of the 32 hospitals responding only 4 have a trauma surgeon available. If you have an auto accident in Pennsylvania, and your loved ones in the car, I pray its near one of these few hospitals that can still perform emergency trauma surgery. The youngest trauma surgeon at Robert Packer Hospital is 48 years old, but they count themselves as one of the lucky few, for having this skilled individual available for patients.

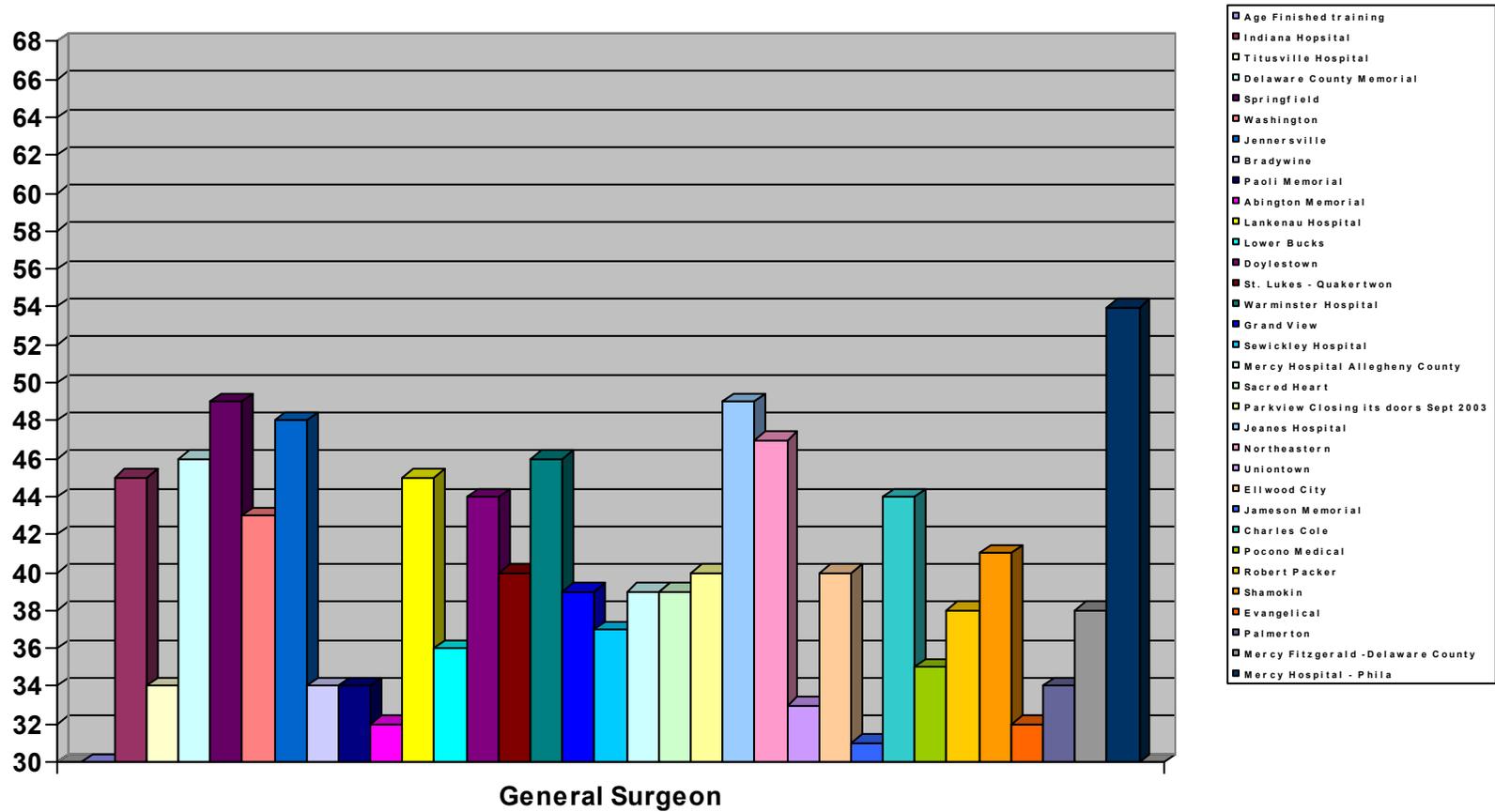
These numbers reveal the destruction of the very foundation of medical care being offered in Pennsylvania. Once this base is removed, there is no possible way to build or continue world renowned medical care, training and education. Our state and nation loses.

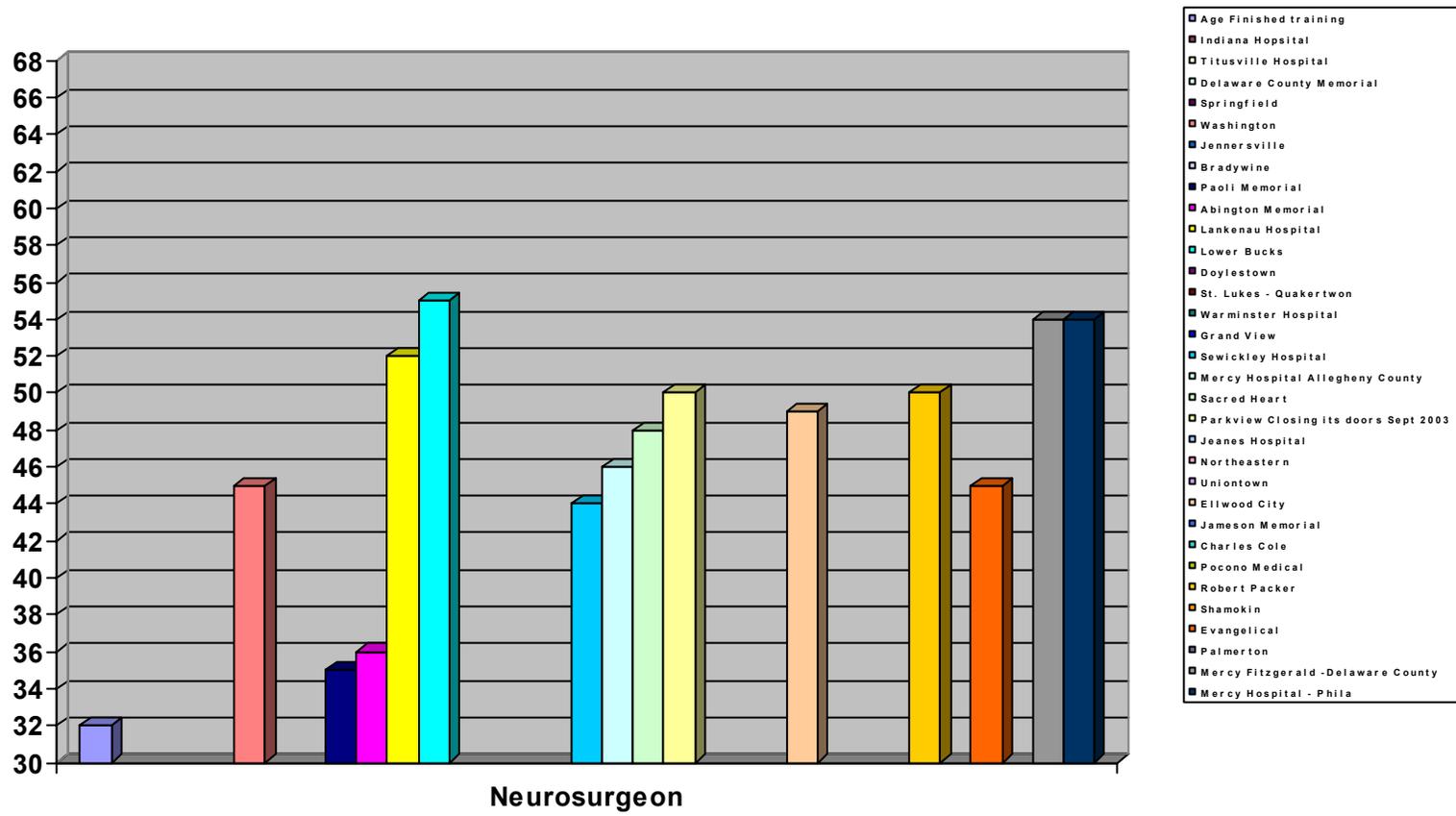
The present tort system offers no solution. It punishes the innocent patients and doctors. The current system offers no improvement to the way medicine is practiced. It raises cost by increasing the amount of tests and consults ordered, many which are not clinically necessary, but will protect you from losing a frivolous law suit.

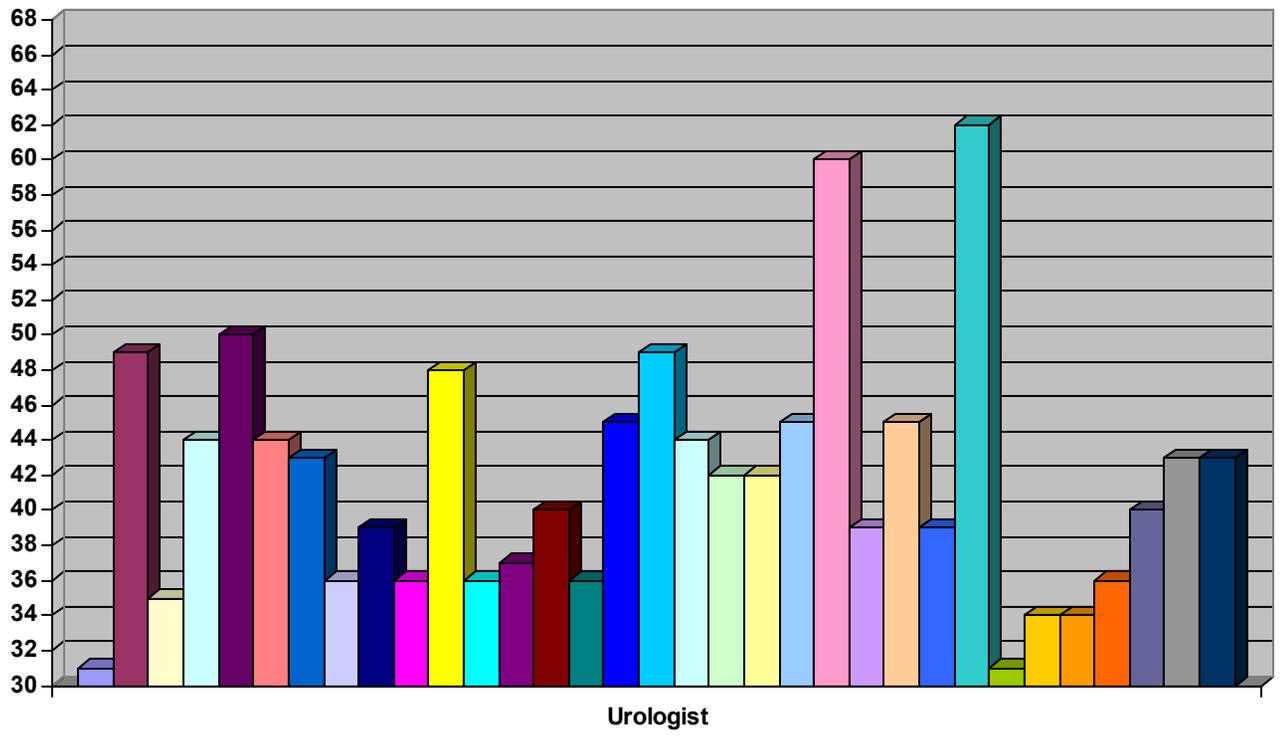
It is time for you to mandate by legislation patients need not to have their doctors forced out of practice because they can not afford existing premiums. We need the most obvious fact turned into legislation; caps on non economic damages.

I have watched excellent physicians leave the hospitals at which I practice. I have watched hospitals decrease services to the communities in which they serve.

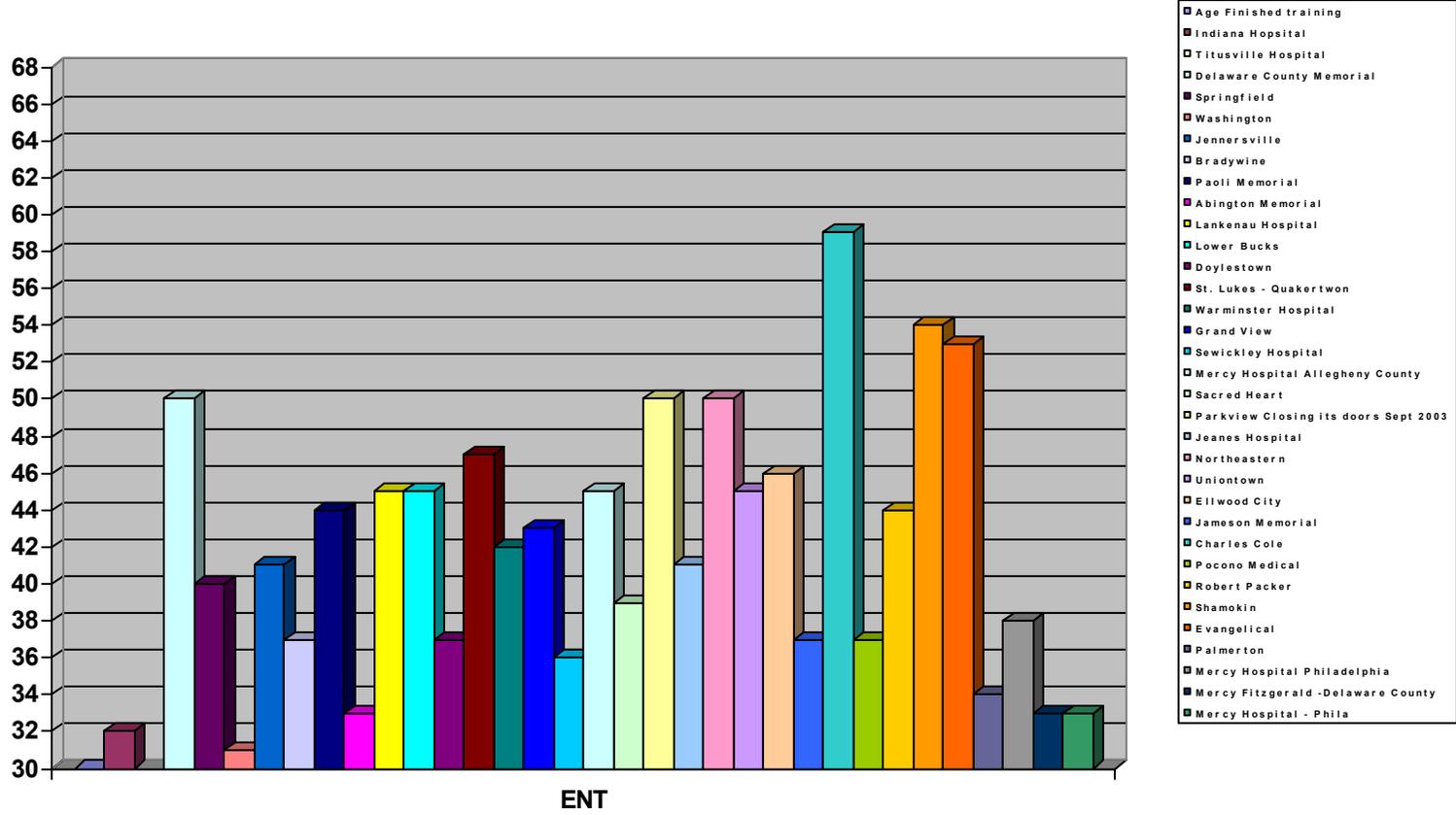
And the one fact, I ask you all to note that is going unnoticed, is physicians can leave but patients can not. Pennsylvania has the second oldest population in the country. The senior citizens do not have the resources to follow their physician across state lines. It is the elderly and needy throughout America who will suffer.

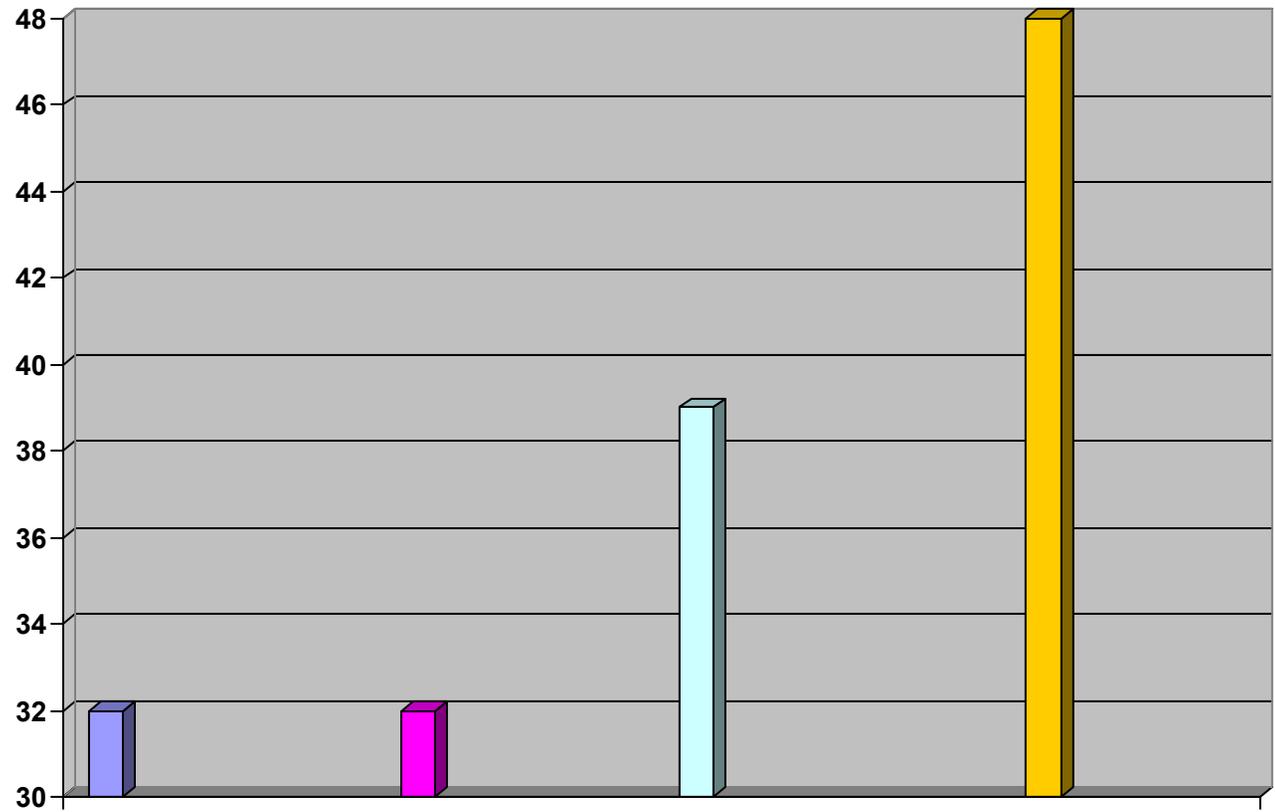






- Age Finished training
- Indiana Hospital
- Titusville Hospital
- Delaware County Memorial
- Springfield
- Washington
- Jennersville
- Bradywine
- Paoli Memorial
- Abington Memorial
- Lankenau Hospital
- Lower Bucks
- Doylestown
- St. Lukes - Quakertown
- Warminster Hospital
- Grand View
- Sewickley Hospital
- Mercy Hospital Allegheny County
- Sacred Heart
- Parkview Closing its doors Sept 2003
- Jeanes Hospital
- Northeastern
- Uniontown
- Ellwood City
- Jameson Memorial
- Charles Cole
- Pocono Medical
- Robert Packer
- Shamokin
- Evangelical
- Palmerston
- Mercy Fitzgerald - Delaware County
- Mercy Hospital - Phila





Trauma Surgeon

- Age Finished training
- Indiana Hopsital
- Titusville Hospital
- Delaware County Memorial
- Springfield
- Washington
- Jennersville
- Bradywine
- Paoli Memorial
- Abington Memorial
- Lankenau Hospital
- Lower Bucks
- Doylestown
- St. Lukes - Quakertwon
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