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LETTER TO THE EDITOR

Medical Review Panels Wrong Answer for Kentucky



Simply put, medical review panels are not about improving care — they are about protecting profits and insulating the medical community, including nursing homes, from penalties related to poor care. These panels do nothing to improve quality of care and quality of life for a vulnerable population that needs our protection and support."

Dear editor,

As the District Long Term Care Ombudsman for the Buffalo Trace Area Agency on Aging and Independent Living, I work on behalf of nursing home residents every day. As their advocate, and as a patriot, I cannot support Senate Bill 119's goal of creating medical review panels in Kentucky. Please allow me to share with you my reasons — and why this matters to each and every Kentuckian.

If Senate Bill 119 is passed, anyone seeking legal help with resolving medical malpractice claims would be required to go before a medical review panel before moving forward with litigation. This includes not just nursing home residents, but also anyone who receives medical services from a hospital or doctor. These panels would consist of three members: one selected by the plaintiff, one selected by the defendant, and the third member selected by the other two. Biased by design, the panel includes only physicians and has no citizen or advocacy group representation.

These panels are cost-prohibitive for many citizens, potentially costing \$2,000 dollars and higher for each complaint, in which you receive a non-legally binding opinion that you can then take to court. What purpose would this serve other than to create an economic barrier to seeking justice? Senate Bill 119 aims not to stop "frivolous" lawsuits, but to take away our constitutional right to due process, even delaying access to the court system for as long as nine months.

Jan Scherrer states in her op-ed in the Lexington Herald-Leader that, "Instigators of Senate Bill 119 will tell you that surrounding states have passed such medical review panel legislation, resulting in attracting better health-care professionals. Not true. Indiana is the only neighboring state that uses review panels, and Indiana's nursing home care is abominable."

A 2011 study by AARP, The SCAN Foundation, and The Commonwealth Fund found that Kentucky ranked 50th in our quality of life and quality of care in

long term care facilities. We ranked 51st in our affordability and access to long term care, and 43rd in choice of setting and choice of provider. Our overall score was 46th. On average, 195,000 people die annually due to potentially preventable, in-hospital medical errors. These preventable errors are the sixth biggest killer in America.

In 2012, Kentucky ranked No. 1 in overall federal fines at \$2,071,469, and Kentucky sadly boasted the most heavily fined nursing home in the nation that year. In 2013, the national advocacy group Families for Better Care issued a report card for all states on the quality of long term care; Kentucky received a D. I'm in each of our district's five nursing homes frequently, and there are amazing employees and wonderful intentions in every facility I visit. There are also troublesome deficits such as staffing shortages, novice care practices, and kinks in the overall system. Medical review panels do nothing to fix these issues and instead make taking action against serious acts of abuse and neglect that much more difficult.

Simply put, medical review panels are not about improving care — they are about protecting profits and insulating the medical community, including nursing homes, from penalties related to poor care. These panels do nothing to improve quality of care and quality of life for a vulnerable population that needs our protection and support.

This is ultimately a matter of corporations versus citizens; money wielding its power in government to hinder citizens' rights. The epidemic we're facing is with medical malpractice, not with malpractice lawsuits. I urge you to stand up against this bill, and make your concerns heard. Kentucky's nursing home residents — and all of us — deserve better than this misleading legislative attempt to protect corporations from the consequences of their negligence. Please call your legislator today at 1-800-372-7181 and oppose Senate Bill 119.

Lesley Sheridan
Maysville