

Malpractice premiums 'driving' doctors out of state, panel told

By Susan Buck
staff writer

Skyrocketing medical liability insurance premiums are driving young doctors out of the state, Dr. Peter Duhamel told a state Senate panel investigating the costs Friday.

"Most young doctors are not going to stay in Michigan," Duhamel, a physician at Crittenton Hospital in Rochester, said. "Medical malpractice has an effect both on the practice and on the people who need care."

Duhamel prepared his statements for testimony before a public hearing of the state medical liability subcommittee of the Senate Judiciary Committee at the Troy Civic Center. The hearing, which was attended by about 60 people, was co-chaired by Sen. Michael Bouchard of Birmingham.

Obstetrics as well as specialty fields like neurosurgery are significantly impacted by malpractice claims, Duhamel said, telling the panel that today he must refer more patients to major hospitals. When he began practicing 25 years ago, his insurance premiums were \$169 a year compared to \$50,000 a year "for less coverage now," he said.

"The number of our (obstetrical) deliveries has dropped way down," the physician said. "The AMA estimates that 15 to 20 percent of all the money spent is on defensive medicine."

That fact, Duhamel and others



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claim, translates into doctors ordering more unnecessary tests in order to adequately cover themselves.

"Every patient is a potential suit," said Dr. Robert Levine, of Bloomfield Hills. "I order extra tests and x-rays to make sure I have protection in case there is a complication. I require patients to come for excessively close follow up to make sure that nothing unforeseen happens, even when the unforeseen is impossible."

Levine said he is luckier than most when it comes to insurance. "One of the hospitals which I am on (staff) has arranged insurance for me at about 50 percent of the normal rate

for an orthopedic surgeon practicing in the tri-county area — (at a cost of) only \$50,000 per year for \$200,000-\$600,000 coverage."

The real losers of malpractice are patients, Levine said, because the cost of insurance is passed to them.

"Not all fractures need X-rays after a cast is applied, but they all get one," Levine said.

But lawyers who represent victims see the situation differently, although they are also caught up in the numbers game.

Ken Stern, a Southfield attorney, said the number of new malpractice cases is actually down. "A Harvard study states that only one of 16 vic-

tims ever receives compensation," Stern said. "I can't afford to see every patient."

Stern said he concentrates mostly on the most meritorious, most catastrophic cases. These require lengthy investigations causing him to go out of state to obtain expert witnesses.

"There's a conspiracy of silence among Michigan doctors," Stern said, explaining why he must seek qualified witnesses out of state.

He recently won a \$200,000 case for a 42-year-old woman who experienced a three-year delay in proper diagnosis of a lump in her breast. When she was finally diagnosed correctly, the cancer had spread to her lymph nodes. Her life expectancy is now seriously reduced, the attorney said.

Ironically, the doctor who allegedly misdiagnosed her serious condition initially was in a hurry that day to attend a tort-reform hearing in Lansing, Stern said.

The subcommittee conducted the hearings on two proposed laws aimed at making affordable health care available for everyone in the state by checking the skyrocketing cost of medical liability insurance.

Michigan's medical liability costs are among the nation's highest and are expected to double to more than \$1 billion by the end of the decade.

A recent study found that in Michigan, only 37 cents of every medical liability dollar spent goes to patients. Most of what's left — about 49 cents — covers court and legal costs.



JIM RIDER/staff photographer

Eddie Herbert holds his son, Michael Powell, 14. The two were with Michael's mother, Salena Devan Powell of Troy, who testified about Michael's out-patient surgery, which resulted in a malpractice suit.

Burtch remembered as man who cared

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His oldest son, Robert Jr., said he and his brothers recalled going to work with their dad — that meant going to practices and many games.

"He'd put us out to the side, and we'd dribble and play. For us, it was always enjoyment. We always got to go into the locker room."

JACK COTTON, current school board president and retired district athletic director, came to Farmington in 1958 and worked with Burtch

for a number of years. "He was always supportive — always going the extra mile and helping," Cotton said. When an assistant coach was needed in most any sport, Burtch stepped in and did the job.

Over the years, he also coached football, baseball, intramural sports and was involved with student activities. As a history teacher "my youngest daughter thought he was great," Cotton said.

Burtch's family said his worst memories of Farmington High were the student walkouts of the 1960s,

while his best memories included his coaching years and, later, handling statistics and running the clock for basketball games.

He enjoyed golfing and watching sports events and continued his love of basketball by coaching with the Catholic Youth Organization league in Detroit.

He is survived by sons Robert Jr. of Big Rapids, Jeffrey of Marquette, David of Wyandotte, Bradley of Buffalo, N.Y., and Timothy of Canton; one sister, four brothers; and 11 grandchildren.

Services were Saturday at the Thayer Rock Funeral Home with Donald Nichols presiding. Interment was at Glen Eden Memorial Park in Livonia.

The family asks that memorials be sent to a fund set up in his honor: Robert Burtch Memorial Fund, c/o Farmington High School, 32000 Shawwassee, Farmington, Mich. 48335.

"It was our wish to recognize his love of Farmington High School," Robert Jr. said. "He didn't want to leave, he liked it so much."

Gill School playground project a community effort

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determine what type of playground and structures are needed here. The idea is to tailor make the playground for each individual community or school.

Duff said students already began drawing ideas for the playground, which is expected to have a park-like theme when completed.

Architects will work on the design throughout the winter, and volun-

teers will come out in the spring to actually build the playground. The playground is expected to take four, 12-hour days of skilled and unskilled labor to erect.

The idea took shape after a committee began meeting in June of 1990 and members reviewed their options.

"We knew our playground was in sad condition," Lukasak said.

ROBERT LEATHERS & Associ-

ates is overseeing community construction of similar projects this month at the Grosse Pointe City Park, the Grosse Pointe Park City Park, Dexter Middle School and Fenton Elementary School, and has other sites around the country.

Parents are expected to visit these sites to watch — and possibly work — to get a feel for what Gill faces next spring.

Lukasak said the committee is seeking help on committees, with

suggestions and through donations. Based on its current situation, the group expects little, if any, funding from the Farmington Public Schools.

Anyone interested in participating in the project should call the school at 489-3690. Donations can be made to the Gill School Playground Fund, P.O. Box 328078, Farmington 48332.

Reporter's daughter got help just in time

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talked before," Gross said. "We realized that God doesn't take us into deep water to drown us, he does it to cleanse us."

Gross' comments kicked off a month long look at drug and alcohol abuse in the Farmington area. His experience was particularly timely with this year's theme of "Alcohol Abuse and Its Effects on the Family." Local drug awareness month organizers said they selected an alcohol abuse theme, because it is, they said, the most accepted and abused drug by far.

That also impacts self-esteem levels.

Gross encouraged parents and the community to keep esteem levels high.

"If your family doesn't come first, it comes last," Gross stressed. "The problem with parents today, they don't say 'do as I do.'"

He credited programs like

Farmington Families in Action for helping the situation. FFIA founder Betty Nicolay of Farmington Hills called on community leaders last week to join FFIA in its fight against drugs and in its mission to make the community aware of drug and alcohol problems.

"UNTIL WE are effective as a community, we will not effect change," she said, reminding people that "the best teacher is a good example."

Other activities continue throughout the month of October and through future months. Upcoming events include a Walk/Run at the YMCA on Oct. 26, planting of red tulip bulbs at Farmington High School, and an Alcohol Awareness Week at Oakland Community College beginning Oct. 14.

For more information on substance abuse awareness, call FFIA at 851-8565.

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If you have arthritis of the knee, do not believe that your active life is over. Do not even consider a slow down in your walking, biking, bowling or golf!

These recreations are necessary for the health of lungs, heart, muscles and emotions; you need exercise for your body and your mind.

The role of medicine, when you have arthritis of the knee, is to keep you on the move. The regulator of activity is not your doctor but yourself; you keep going until pain tells you to stop. Disregard the people who admonish you to continue over pain. Such advice is good for issues but inappropriate for bones: strain may build up muscles, but it invariably wears out joints.

How long pain lasts guides you as to whether continuing or stopping the recreation is best. If discomfort leaves you overnight, then continue to walk, bowl or bike. If aching or joint pain lasts for days, then reconsider the intensity of your play.

However, do not stop. If you must, go nine holes of golf with a cart, but go on. Bring cycling inside to a stationary bike if doing so allows you to carry on.

The blessing of modern medicine is that treatment for knee arthritis, medical then surgical, keeps you living as long as you keep alive.