

## **PRESS RELEASE**

Thursday, November 20, 2003  
3:39 p.m.

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### **“Trial Lawyers Support Doctors on Whistleblower Protection”**

The North Central Pennsylvania Trial Lawyers Association announces its support of House Bill 2192 introduced on the 20<sup>th</sup> day of November 2003, and a similar competing Bill, No. 2177, introduced on November 19, 2003. Both Bills, sponsored by Democrats and Republicans, would strengthen whistleblower protection for medical health care professionals in the Commonwealth. Both Bills would permit whistleblower complaints by medical health care professionals to go directly to the appropriate agencies or the Patient Safety Authority rather than the whistleblower being required to go directly to the employer who committed the wrongdoing. One of the Bills would create a statewide confidential toll-free telephone line to permit emergency reporting by healthcare workers of safety problems. Both Bills represent an amendment to the Medical Care Availability and Reduction of Error (Mcare) Act.

One of the proposed Bills states that any provision of a contract entered into with a healthcare worker that limits the worker's ability to be a whistleblower or to make any such report is against public policy and considered void.

While the Trial Lawyers believe that the proposed legislation does not go far enough, it is certainly a good start. Either Bill provides adequate remedies so that the whistleblower who is retaliated against can recover the losses and expenses in protecting his or her legal rights.

The push for whistleblower protection is supported by information recently released by M. Diane Koken, Insurance Commissioner, on November 3, 2003, which supports claims made that the number of doctors in Pennsylvania has continually increased since 1976. Some medical groups have claimed that the number of doctors in the Commonwealth have dropped between 1999 and 2002. In fact, the number of doctors paying into the Mcare Fund has increased in every single year that reports have

been kept, including since 1999. In 1999, there were 34,170 doctors paying into the Mcare Fund; in 2000, 34,180; in 2001, 35,131; and in 2002, 35,180. All actively practicing doctors in the state are required to pay into the Mcare Fund. Further, the number of doctors have increased, while the population in the state has declined, thus demonstrating that the number of patients per doctor have actually declined.

North Central Pennsylvania Trial Lawyers Association believes that this official information is contrary to claims made that there is an exodus of doctors in Pennsylvania.