Senator Carney, Representative Moonen and Distinguished Members of the Judiciary Committee, I am Dr. Joel Botler, and I write to express MaineHealth’s serious concerns regarding LD 549.

MaineHealth is committed to a vision of “Working Together so our Communities are the Healthiest in America.” In pursuing this vision, we provide access to high quality care across seven counties in Maine and one in New Hampshire; we invest in research to improve the lives of our population; and, very importantly, we provide opportunities to grow our workforce of the future. Part of that effort includes investing in medical education through our MaineTrack medical school collaboration with Tufts University, and our 277 residents and 51 fellows that train annually at Maine Medical Center.

MaineHealth current employs 1,110 physicians who support our vision and mission of providing access to high quality care across our footprint. And though we would like to “grow” all of our own, we currently have 144 open physician positions for which we are actively recruiting. That is a high vacancy rate, and one in which a supportive environment – both external and internal – makes a significant difference to prospective candidates.

We know that we have a good story to tell with the quality of life we provide, the school systems we support, the activities we offer and the communities we live in. And one of the most frequent questions asked by recruits is about our medical malpractice environment. At present, we can say with conviction that Maine’s medical malpractice environment is fair and balanced, leaning neither unfairly towards plaintiffs nor defendants.

However, this bill would tip that balance. While we recognize that there are rare instances when the current law may not capture a specific circumstance, on balance, the vast majority of bad outcomes are identified within the current three-year period. Should this bill pass, we will have a more difficult time recruiting physicians thus resulting in reduced access to care across a large population.

As you contemplate this bill, we ask that you consider the potentially significant unintended consequences of attempting to address extremely rare cases with a blanket approach that will change the landscape for all of Maine’s current and future physicians. With all of our assets, Maine has a lot of competition from other states for our all-important physicians. Please help us maintain an environment in which they feel welcome and supported by voting Ought Not to Pass on this legislation.