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February 16, 2011

Senator Peter S. Brunstetter
Chairman, Senate Judiciary I Committee
16 W. Jones Street, Room 2022
Raleigh, North Carolina 27601-2808

Re: Senate Bill 33

Dear Senator Brunstetter:

I am a physician who has practiced medicine in North Carolina for the past 55 years. In 2006 I was awarded the Order of the Long Leaf Pine by the Governor of North Carolina for my service to the people in my community. I currently serve on the Board of Trustees of Southeastern Regional Medical Center in Lumberton along with Senator Michael Walters. I have dedicated the majority of my life to helping patients in my medical practice and trying to improve patient care through my work as a member of the Board of Trustees at Southeastern Medical Center.

I have carefully reviewed Senate Bill 33. I am writing to let you and the rest of the Senate know that I oppose this legislation. The bill will reduce the quality of medical care given to the people of North Carolina including your constituents in Forsyth County. Providing immunity to doctors, nurses, and physician assistants in emergency departments for negligent treatment of patients will reduce the quality of care provided in emergency departments and cause more injuries and deaths to patients who come there for treatment. These patients deserve the same quality of care as any other patients in a hospital or medical office. Those who provide care and treatment must be held accountable for the preventable injuries and deaths that are caused by their failure to meet well established standards of practice.

Likewise, arbitrarily limiting the amount that an injured patient can recover for non-economic damages to \$250,000 without any consideration of the nature, extent and permanency of their injuries is just plain wrong. Every person's injuries are different. The amount of compensation they should receive as a result of medical mistakes should be based on the particular facts of each case and decided by a jury, not arbitrarily set by the legislature.

You and the other senators need to understand that medical malpractice is a serious problem in North Carolina. If you have not done so already, please read the November 2010 special article in the New England Journal of Medicine entitled *Temporal Trends in Rates of Patient Harm Resulting from Medical Care*. This study focuses on the preventable medical errors that occurred in ten North Carolina hospitals from January 2002 to December 2007. The number of preventable serious injuries and deaths documented in the article is staggering. Senate Bill 33 will increase these already alarming numbers of preventable injuries and deaths.

You and the other senators were elected to enact legislation to promote the health and welfare of the citizens of our state. If Senate Bill 33 becomes the law in this state, then you and others who voted for the passage of this bill will have reduced the quality of patient care in this state and have failed the people of this great state.

Best regards.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin L. Brooks, M.D.", written in a cursive style.

Martin L. Brooks, M.D

cc North Carolina Senators