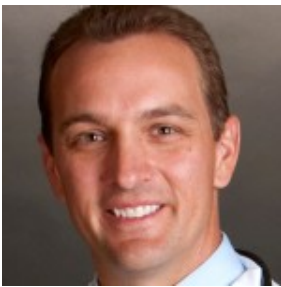


Opinion: Vote no on Prop. 46

By Clint Purvance

Backers of California Proposition 46 claim it will protect the patient and reduce patient harm. While the initiative argues patient safeguards and seems well-intended, the proposition is flawed and costly. If passed as written, Proposition 46 would discourage doctors from working in California, jeopardize patient privacy, and increase patient and government healthcare costs.

Proposition 46 is a broad initiative with three separate issues bundled into one ballot measure. Written and funded by trial lawyers, it quadruples the limit on malpractice awards, or “non-economic” damages, made against physicians. After 40 years of unsuccessful attempts to increase lawsuit limits through legislation, attorneys want California voters’ support and added two seemingly less controversial issues: mandatory use of a statewide prescription database and random drug and alcohol testing on doctors.



Clint Purvance

Consider why Proposition 46 shouldn't be passed:

Higher healthcare costs

Increasing lawsuits and jury awards puts more money in lawyers' pockets and raises healthcare costs. When lawsuits increase, insurance rates go up and these costs trickle down

to the patient.

California's non-partisan Legislative Analyst found Proposition 46 would cost state and local government up to "several hundred million dollars annually" on government health care. The Legislative Analyst staff estimates healthcare for California patients would increase \$9.9 billion per year – approximately \$1000 annually for a family of four.

Doctor Shortages

Hefty lawsuits lead to higher risks and costs which encourages physicians to seek work across the state line or elsewhere. Ninety percent of Barton physicians practice in California. We have made significant efforts to recruit high quality physicians, but Proposition 46 amplifies California's physician shortage and jeopardizes patient's access to services. Ultimately, higher costs and reduced healthcare access especially burden low-income families, senior citizens and residents in rural communities like South Lake Tahoe to receive high quality care.

Privacy violations

Proposition 46 also requires physicians and pharmacists use a statewide database that tracks patients' prescription drug information before dispensing certain controlled substances. CURES, the government run database, is currently used, but plagued by technological shortfalls and understaffing issues. With potentially millions of database inquiries annually, Proposition 46 lacks solutions and funding to upgrade the database and address patient security. Other risks of a government-controlled prescription database include patient privacy, potential hacking, and inappropriate access.

Reduced patient safety

The third issue, mandatory drug testing on physicians, is a valuable patient safeguard, but many medical facilities,

including Barton Health, use drug screening protocols to protect patients from impaired employees and clinicians. Proposition 46 itself is not well defined and allows any person to make a substance abuse accusation, which could suspend doctors for months or years during a lengthy investigation.

In my 10 years at Barton, medical errors and poor delivery of care haven't been linked to impaired physicians. We've made substantial strides in patient safety and found initiatives on improving processes have prevented unintentional human errors and greatly improved patient safety.

Join Barton Health and the California Hospital Association; American Nurses Association, California; California Teachers Association and over 500 state and community organizations across party lines and vote "no" on Proposition 46. To continue to provide our community with consistently exceptional care, we appreciate your support and hope you will vote against Proposition 46 in November.

Clint Purvance is chief medical officer for Barton Health.