

July 12, 2012

Senate Insurance Committee  
Hearing on Medical Malpractice Laws  
SB 1115, 1116, 1117 & 1118

Dear Senators:

My name is Paul McCoy. I am a retired minister. I'd like to tell you about what happened to me four years ago.

I went to the emergency room after a bout of abdominal pain. The doctor told me there was a stone blocking the flow of bile and that my gallbladder had to come out. We were told the procedure was simple and that I would go home from the hospital that day or the next. That's not the way things turned out. I wound up in a coma and nearly died because because of the doctors mistakes. All in all it was close to 4 months before I was released from the hospital. The medical bills were over \$500,000.00. That was just the first three hospitalizations.

Worst of all, we now know the surgeon's judgment was wrong; there was no stone. I did not need surgery in the first place. My condition could have been treated without any surgery at all. But we were never told. We trusted the doctor's judgment.

After the operation I did not recover the way the doctors said I would. I was in excruciating pain and my abdomen became very swollen. On the third day my lungs quit working. I went into respiratory failure. It turns out the doctors had put a hole in my bowel at the time of the surgery but never realized their mistake. They took me back to surgery to supposedly fix the problem. Some of my bowels had to be cut out.

Once again, instead of getting better I only got worse because the bowel continued to leak. I wound up with a large hole in my abdomen. I went into a coma. My kidneys stopped working and I was put on a ventilator. I went from one hospital to another and then back to the first hospital. It was fifteen weeks before I was finally able to leave the hospital. Even then I still had the large hole in my belly and my wastes had to drain into a bag. It took months and more surgeries before my bowel could be put back together.

While I was in a coma the doctor told my family he was "responsible." When it came to the lawsuit however, he then said he didn't do anything wrong. At least we were able to present our case. It eventually got settled. With the damage limits already in place for malpractice cases and the money that had to be paid back to the insurance company for the medical bills, we certainly didn't get rich. But at least our case was heard.

I understand the new laws you are considering would mean people like us would have no case – if the doctor said he was exercising his judgment, then our case would be thrown by the judge and a jury would never be able to decide. That is wrong. I was brought up to believe if you broke something or you hurt someone you were supposed to be accountable. Why should doctors be treated different than everyone else?

I have heard people say that these laws are about "putting patients first." I do not understand how preventing cases like ours would somehow "put patients first." Or make medical care better. As best I can figure, it would just mean the doctors who nearly killed me would not be held accountable. This just doesn't make sense.

My wife is disabled and confined to a wheel chair. Before all this happened she had to depend on me. Now I was the one who had to be cared for. My family had to provide the care she couldn't. Eventually we had to move in with one of our sons. I understand one of the other new laws would say that the cost of this care would also be put under the limits on pain and suffering. I can't imagine any of you would go through what we did for the amount we recovered.

This is not right. I urge you **NOT** to adopt these laws. They are dishonest. They do not put patients first. They would mean that doctors like the ones who nearly killed me would not be held accountable.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul McCoy", written in a cursive style. The signature is positioned below the word "Respectfully," and above the printed name "Paul McCoy".

Paul McCoy