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HB 2867

**requiring all legal actions against a health care provider
be first presented to a medical review panel to render an opinion**

February 23, 2004

Honorable Chairman Morrison and
House Health and Human Services Committee Members:

Kansas Advocates for Better Care (KABC) opposes HB 2867.

Consumers are wary of an additional layer of bureaucracy, particularly one that is not part of the judicial system, such as the proposed panel that would be administered by the Commissioner of Insurance.

The proposed panel would provide for an inequitable composition of members. The panel is proposed to include a "health care provider", which would be a peer of the "defendant", but the panel does not provide for a "consumer" member to be a peer of the "claimant".

The initiation of and purpose of a medical review panel would force any claimant to make a "case" before the review panel before being allowed to proceed with a legal action.

Consumers are aware of the fiscal problems with the state government budget. The medical review panel will be an additional expense to the state government (which is the people of Kansas.)

The panel is proposed to be an expert advisory board that renders opinions which are not under any judicial authority nor are binding on any party. The initiation of a paid panel that renders non-binding opinions appears, on the surface, to NOT be logical and sensible, particularly when one notes the elaboration for handling settlement offers (that are non-binding).

KABC requests the Committee to NOT pass HB 2867.

Thank you very much for allowing these comments.

Deanne Bacco, Executive Director, KABC