

Date: 09/16/2002
Attention: Dan Schnur
Attention: Senator McCain

Dear Mr. Schnur,

It was a great pleasure meeting you at USC on 09/09/2002. I was surprised when you told me that you care about what your candidates do after they get elected, in contrast with the movie "The Candidate". You are definitely very unique.

Since you told me that you maintain a direct contact with Senator McCain and as, Senator McCain showed some interest in the Healthcare by passing a bill with Senator Kennedy, would you be kind enough to forward the following to Senator McCain.

As you quoted Senator McCain describing the deadlock regarding Healthcare by stating that "The Democrats support the Trial attorneys and the Republicans support HMO. That's why we will never have any meaningful Healthcare Reform in our country". I thought about a possible "give and take" that might "unlock" this situation.

Please let me know what you think about the following proposal.

Since, the "Immunity" provided by Congress in the HCQIA i.e. Healthcare Quality Improvement Act, prevents and effectively discourages attorneys around the country from pursuing any meaningful litigation against hospitals by removing that critical stumbling block, we could provide the "Trial attorneys" a fair chance when litigating against the most powerful chains of hospitals.

That would reduce dramatically the criminal conduct of many hospitals around the country that will not be able to pursue a most devastating blow to the quality of the delivery of our Medical Care, see my letter "Rape of the Medical Peer Review Process by TENET Health System".

The mere knowledge that the trial attorneys may be able to pursue such gross negligence will represent a tremendous deterrence and lead to a rapid improvement of the quality of our Medical Care.

On the other hand, Trial attorneys successfully prevented "MICRA" from passing in any State, except in California.

They believe that it would reduce their income. Unfortunately, it has caused the premiums paid by physicians to explode in such a way that no surgeon in the country will ever practice if it continues. See Forbes cover article of 05/02 or 04/02.

Due to the exorbitant rise of the premiums of professional liability insurance coverage, many areas of our country have lost their obstetricians!

That's a significant loss in terms of quality of the delivery of obstetrical care in those areas of our country.

MICRA prevents excesses while assuring that the patient, victim of medical negligence is compensated fairly by limiting the attorneys' compensation according to the amount of the settlement or Jury verdict.

Hence, I propose that we give the Trial attorneys the possibility to go after hospitals' administrators who conduct themselves the same way ENRON, TYCO, WORLDCOM...and other "administrators" of large corporations like EXXON whose arrogance knows no limit.

The only difference here is that we are not only talking about money but also the lives of many innocent people. The analogy here is with the careless and criminal conduct of the Tobacco Industry.

I am looking forward to your comments and will appreciate any suggestion that will assist in getting this most important message across the thick walls of Congress.

Another area of the Healthcare Industry that needs an urgent "therapy" is Insurance bad faith. While increasing their premiums by claiming that Healthcare costs are rising, the Medical Insurers actually pay physicians, hospitals, laboratories and other providers less and less. Hence their profits rise! A lot of money that should have gone to providers actually went into the pockets of corrupt administrators of HMO, Insurance Companies, Wall Street...who give themselves lavish bonuses and then go bankrupt!

As you may know, the California Medical Association filed a RICO Case against Blue Cross, HealthNet and Pacificare as well as Class Action against Blue Cross of California.

Thank you very much for accepting to forward these documents to Senator McCain. I am ready to assist you Senator McCain and anyone concerned about this national tragedy in our Healthcare.

We have the skills, we have the Medical knowledge, we have the means to provide the best Healthcare in the World but, shortsighted "interest groups" control our destiny and there is a total lack of overall view of the abyss we are falling into.

Wishing you, you family and staff a healthy, Happy and prosperous New Year,

Sincerely Yours,

Dr. Gil Mileikowsky, M.D.

Enclosures:

- 1) Letter to Senator Lieberman, 08/21/2002
- 2) Letter to Senator Lieberman, 08/27/2002
- 3) My letter dated 03/21/2002 entitled the "Rape of the Medical Peer Review Process by TENET Health System". It is a public record.
- 4) Editorial of Professor Parmley in 2000.
- 5) Editorial of AMA-News, 06/18/2001
- 6) Article of AMA-News, 06/18/2001
- 7) Introduction of Writ filed 05/01 by Mr. Ethan Schulman in the Court of Appeal.