

**TESTIMONY OF Catherine Marco, MD, FACEP, Government Affairs Chair, Ohio  
Chapter, American College of Emergency Physicians, before the Senate Judiciary-  
Civil Justice Committee, June 10, 2009**

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Chairman Seitz and Committee Members:

My name is Catherine Marco, M.D. and I am here to testify as a proponent of Senate Bill 86, *Access to Emergency and Disaster Care*. This bill proposes amending Ohio statute to provide limited liability protection for physician health care providers in disaster and emergency situations.

I work as an Emergency Physician, an “ER Doc”. I work in the Emergency Department at the University of Toledo Medical Center and I am also the Residency Director. I am the Chair of the Government Affairs Committee of the Ohio Chapter of the American College of Emergency Physicians. Our organization, Ohio ACEP, represents over 1100 emergency physicians in Ohio. Members of our organization staff the Emergency Departments, the “ER’s,” in Ohio’s hospitals. We take great pride in our work of saving lives and caring for the health of Ohioans every day, 24/7. We care for every type of patient who comes to our ERs, including everything from heart attacks and major trauma, to minor illnesses and injuries. Emergency physicians and on-call specialists who provide emergency care work in a unique environment with specific challenges. They care for patients under the federal law EMTALA, which requires that all patients presenting to emergency departments be evaluated for emergency medical conditions. They care for all patients, regardless of insurance status or ability to pay.

Many of the patients who come to our ERs lack access to primary medical care. They come to us because we are always open and we are always willing and happy to see anyone and everyone who comes through our doors. Many of our patients are uninsured and rely on the safety net of the ER. As a result, many ERs face crisis situations daily.

Ohio ranks above the national average for ER visits per capita, and this number continues to rise every year. Ohioans seek emergency care 25% above the national average, per capita. (516 patients per 1000 compared to national 401 per 1000 population; <http://www.statehealthfacts.org/profileind.jsp?ind=388&cat=8&rgn=37>). The uninsured account for the largest fraction of this growth – twice as high as the average growth. (20% compared to 9.5%) [http://www.nbc4i.com/cmh/news/local/article/-CMH\\_2008\\_01\\_07\\_0011/1973/](http://www.nbc4i.com/cmh/news/local/article/-CMH_2008_01_07_0011/1973/)). Despite this rapidly increasing demand on Ohio's ERs, there continues to be a shortage of board certified emergency physicians. Nationally, only 65% of doctors working in ERs are board certified in Emergency Medicine. Only 65%.

On one of my typical shifts last week, our ER was completely full. Every gurney was occupied, with patients with heart attacks, injuries, blood infections, pneumonia, preterm labor, and the list goes on. We also had patients on gurneys lining the hallways of our ER. You can imagine how uncomfortable it would be to come to the ER, sick or injured, and be placed on a gurney in the hallway, with no privacy, next to the nursing station with a parade of noisy passersby. Not a restful scenario to be treated in. I treated one patient for anaphylactic shock after a bee sting, a life threatening condition, in the hallway. Fortunately, she and the other patients we treated that day were successfully treated. Not all patients are so lucky. Many patients suffer bad outcomes because of ER crowding.

ER Crowding is a critical problem in our Emergency Departments in Ohio. Many factors contribute to the problem of crowding, including the shortage of board certified emergency physicians, and the shortage of on call specialists to care for our patients.

In addition to all the other stresses that accompany the world of emergency medicine, our uniqueness also comes at a great financial cost. A 2003 report from the AMA's Center for Health Policy Research drawing on 2001 survey data and estimates of health care bad debt borne by physicians estimated that the average annual amount of EMTALA-mandated

uncompensated care per physician was \$12,300, but that when the burden on ER docs alone was calculated, the amount was \$138,300 per doc per year. (Kane, CK: *The impact of EMTALA on physician practices*; AMA Center for Health Policy Research; February 2003.) Given the increase in the ranks of the uninsured, the increase in annual ER visits, and the increase in the total amount of health care bad debt since 2001, the actual uncompensated care burden on emergency physicians today is undoubtedly much greater.

Physicians in other specialties can place caps on how many patients they treat, but Emergency Physicians have no such privilege. We treat all patients, no matter what, no matter how many, no matter how crowded the ER is. The downturn in Ohio's economy is resulting in an even higher number of uninsured and an increased reliance on Ohio's Emergency Departments. In severe emergencies, we must do this even without access to critical medical records and information, such as past medical history, allergies, medications, and other important information. Everyone will need emergency care at some point, whether they are young or old, rich or poor, insured or uninsured. It is imperative that the emergency care system remains viable and capable of providing high quality lifesaving care to the entire population. The federal mandate requires that emergency care is provided to everyone. In order to fulfill that mandate and meet the safety net needs of our communities, the state should provide liability protection similar to the protection it provides other private entities that perform a public service. SB 86 offers a no-cost way to support community access to vital emergency and disaster medical services.

We can work together to provide quality Emergency care for the patients of Ohio by improving access to care through this proposed legislation. Ohio ACEP also notes our current support from:

- The Ohio State Medical Association
- Ohio Chapter, American College of Cardiology
- Ohio Chapter, American College of Surgeons
- Ohio Chapter, American Academy of Pediatrics
- Ohio Osteopathic Association

- Emergency Management Association of Ohio
- Ohio Orthopaedic Society
- Ohio Society of Anesthesiologists
- Ohio Ophthalmological Society
- The Doctor's Company

Thank you for giving me this opportunity to testify. I would be happy to respond to any questions you might have.