

APP024A

Insurers responsible for medical malpractice "crisis"

So-called "reforms" benefit insurers, hurt patients

Recently the U.S. Senate defeated a draconian medical malpractice and product liability proposal introduced for the benefit of the insurance industry. And yet, even more dangerous anti-patient legislation has been proposed in the U.S. House and in many states.

The federal legislation would preempt all state laws more favorable to patients and drastically limit the rights to those most severely injured by medical malpractice, dangerous medical products, HMOs, and nursing homes. Most bills express distrust of juries by limiting the amount of compensation a jury can provide malpractice victims. Advocates of damages caps falsely say doctors' insurance premiums will go down as a result, even though the American Insurance Association admits premiums won't be lowered. Nevada even recently limited awards for the most severe injuries to \$350,000, and insurers said they had no intention of lowering rates.

An HHS study gets it all wrong

Last summer, President Bush announced the release of a new report by the U.S. Department of Health and Human Services (HHS) which alleged that unnecessary medical malpractice litigation had created a health care insurance premium crisis in our nation.

With all due respect, President Bush is wrong. The HHS report is a thinly veiled plea for special government protections

for the insurance industry, at the expense of mothers whose babies were brain-injured in botched deliveries and the families of elderly relatives abused in nursing homes. Insurers are courting Congress to bail them out for decades of poor industry investment and business decisions by limiting what they must pay the most severely injured victims of medical malpractice. Much of the evidence in the HHS medical malpractice study is highly suspect or just plain wrong.

■ Instead of including all 50 states, HHS hand-picked only 10—which had the highest medical malpractice insurance premium increases—and ignored 20 of 29 states that do not cap juries' awards to medical malpractice victims in which insurance premiums did not go up.

■ HHS erroneously reported that West Virginia doesn't limit what juries can award—although, in fact, it does—and claimed its 30 percent increase medical malpractice insurance premiums was a result of having no caps.

■ HHS also left out most facts and evidence that contradicts its pro-insurance industry premise.

■ A law professor HHS cited numerous times as a medical malpractice legal expert took \$67,000 from the insurance industry to promote its cause in various court cases.

The real problem?

Medical malpractice occurs too frequently. It's the eighth leading cause of death in America—killing more people than AIDS, breast cancer, or automobile accidents. Reports show that up to 98,000 patients die—and many more are injured—in U.S. hospitals each year as a result of preventable medical errors.

