

Congressman Jim Gerlach's Issue Page Medical Liability Reform

Medical Liability Reform

There is a true crisis in this country involving our medical community as skyrocketing liability insurance rates are forcing physicians to leave their practices, retire early or stop performing certain procedures due to the unreasonable cost associated with paying the premiums or because they simply don't have the coverage.

In areas like Southeastern Pennsylvania particularly, the situation has forced many medical professionals to take drastic steps: many OB-GYNs have been forced to stop delivering babies; area trauma centers have closed; and physicians are wondering whether they can or even should perform high-risk procedures.

At the federal level, a valuable lesson can be learned from the malpractice insurance reform movement underway in California. The California law known as the Medical Injury Compensation Reform Act (MICRA) has worked wonderfully for more than 25 years, proving to be fair to patients and effective at stabilizing the state's medical liability system. Since 1976, premiums across the nation have increased three times faster than in California and the reforms included in MICRA have saved Californians more than one billion dollars a year. In addition to stabilizing out-of-control liability premiums, reforms like those in California will help expedite awards and settlements to patients.

Rep. Gerlach takes seriously the need to reform the system, which is why he's a cosponsor of H.R. 534, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005. H.R. 534 will:

- *Limit the number of years a plaintiff has to file a healthcare liability action to ensure that claims are brought while evidence and witnesses are available.*
- *Allocate damages fairly, in proportion to a party's degree of fault, to allow patients to recover all economic damages - such as future medical expenses and loss of future earnings - while establishing a cap on non-economic damages, such as pain and suffering, of \$250,000.*

* According to the Congressional Budget Office, the HEALTH Act would reduce overall health care expenses and result in a net gain to taxpayers of \$18 billion over ten years.

* H.R. 534 is endorsed by the American Medical Association, American Hospital Association, and dozens of medical and consumer groups.

* The House passed versions of this legislation twice last session – on March 13, 2003 by a vote of 229-196 and on May 12, 2004 by a vote of 229-197.

For more information, call Congressman Gerlach's Berks County District Office at 610.376.7630 or visit www.gerlach.house.gov to sign up for his weekly e-mail newsletter, Capitol Update.