

SEPTEMBER 26, 2002

**SCHAKOWSKY OPPOSES LATEST
ASSAULT ON CONSUMERS IN REPUBLICAN-CONTROLLED HOUSE**

WASHINGTON, D.C. - U.S. Representative Jan Schakowsky (D-IL) voted against H.R. 4600, the latest assault on consumers in the Republican-controlled House of Representatives.

"Instead of addressing medical malpractice or medical malpractice insurers, this bill is a plain and simple assault on the rights of consumers - health care patients and their families who have already been injured once would be injured again and again because of this bill," Schakowsky said.

Schakowsky added that while "a handful of physicians and facilities are responsible for the lion's share of medical malpractice," H.R. 4600 does nothing to improve health care safety. She asked, "Does it make it easier for patients to avoid dangerous physicians or facilities? Does it require that those with bad medical records - like bad drivers - get charged higher malpractice premiums while safe providers - like safe drivers - get discounts? No."

Below is the text of Schakowsky's statement.

We are facing a medical malpractice problem. We are also facing a medical malpractice insurance problem. But rather than addressing those issues, this bill would actually make both problems worse.

The Institute of Medicine study, "To Err is Human," reported that between 44,000 and 98,000 Americans die each year from medical errors, making medical malpractice the 8th leading cause of death. More people die from medical errors than from automobile accidents, breast cancer or AIDS. We also know that a handful of physicians and facilities are responsible for the lion's share of medical malpractice cases. Does this bill do anything about improving health care safety? Does it make it easier for patients to avoid dangerous physicians or facilities? Does it require that those with bad medical records - like bad drivers - get charged higher malpractice premiums while safe providers - like safe drivers - get discounts? No.

We also know that we have a medical malpractice insurance problem. Just as businesses and health care consumers are complaining about double digit premium increases, so, too, are providers. Once again, the evidence suggests a solution. Medical malpractice insurance companies made bad investments - now they are raising premiums to pay for their mistakes. Studies show that there is usually no connection between premiums and payouts - with no or little regulation, insurers are free to charge what they want. Does this bill do anything about medical malpractice insurance

practices? Does it even require that the federal government monitor premiums to determine the effect of this bill on premiums and make sure that insurers don't just pocket any savings instead of passing them through lower premiums? Do the authors of this bill have any evidence from the insurance industry that premium rates will come down or moderate if we pass H.R. 4600? No.

Instead of addressing medical malpractice or medical malpractice insurers, this bill is a plain and simple assault on the rights of consumers - health care patients and their families who have already been injured once would be injured again and again because of this bill. There is not a single provision in this bill that strengthens the rights of consumers or improves their access to quality care. But there is not a single provision in this bill that doesn't erode consumers' legal rights to win compensation for their injuries and to send the signal that dangerous medicine does not pay.

This bill doesn't just affect physicians. It provides a broad liability shield for drug companies, nursing homes, medical device manufacturers and suppliers. This bill may well increase health insurance premiums to small businesses and individuals because it says that, if you are fortunate enough to have health insurance, your policy may have to pay your costs even if you prove malpractice in a court of law. And most disturbing of all, this bill puts a \$250,000 price tag on the life of a child. The authors of this bill say that we shouldn't worry about caps on non-economic damages. After all, they say, there are no caps on economic damages. But there are no economic damages to compensate for the loss of an infant or a grandmother, for the loss of sight or mobility. This bill tells all those families who suffer those losses - through proven malpractice - that their losses are worth a paltry \$250,000.