

~United States Senate~

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BAUCUS, ENZI INTRODUCE BILL TO OVERHAUL MEDICAL MALPRACTICE

Bill speeds resolution of claims, improves patient safety, curbs premium costs for doctors

Washington, DC – U.S. Senators Max Baucus (D.-Mont.) and Mike Enzi (R-Wyo.) today introduced legislation that encourages states to develop, implement and evaluate new and better ways to deal with medical malpractice cases. The current system of tort litigation does little to improve patient safety, while causing doctors' malpractice insurance premiums to skyrocket. The Fair and Reliable Medical Justice Act of 2007 will allow states to craft tailored, brand-new alternatives that will speed the resolution of disputes, make patients safer, and maintain access to affordable, quality health care.

“Dealing with the medical malpractice crisis is a real balancing act. Making the system saner will bring doctors’ malpractice insurance premiums down, and that will lower costs for everyone. But any changes to medical malpractice laws must put patient safety first, and ensure fair and fast compensation to those who are hurt by medical errors,” said Baucus. **“If we can move beyond the broken process used today, patients won’t lose access to affordable care when doctors raise their rates or even move away to find cheaper malpractice premiums. Doctors can be more forthcoming when mistakes are made, and everyone can have more faith in the health care system. ”**

“Our medical litigation system urgently needs first-aid,” Senator Enzi said. **“We ought to lend a hand to the states and encourage them to create alternatives that would be more fair and predictable for both patients and healthcare providers. It’s time for a change. Although it is important that injured patients are compensated for injuries in a fast, fair way, when someone has a medical emergency they want to see a doctor in a hospital room, not a court room.”**

The Baucus-Enzi bill will fund ten pilot projects for states proposing new methods of resolving medical malpractice claims and reducing medical errors. A panel of experts, created and headed by the Government Accountability Office, will choose among state proposals and report back to Congress on the effectiveness of the funded plans. To receive funding, states will have to show how their plans will:

- provide prompt and fair dispute resolution
- encourage early disclosure of medical errors
- enhance patient safety
- improve the affordability of malpractice insurance for providers
- offer patients the chance to opt out of the alternative and litigate instead, and notify them of that option.

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State plans must also be structured to collect and analyze patient safety data, to make sure the program is working.

The bill is similar to legislation the Senators introduced together in the 109th Congress. However, this year's legislation makes a number of changes to increase flexibility for states seeking new ways to deal with malpractice cases, to heighten emphasis on patient safety, and to provide Congress with greater oversight. Companion legislation is being introduced in the House by Representatives Jim Cooper (D-Tenn.) and Mac Thornberry (R-Tex.).

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