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[Tort Reform Won't Save a Single Life](#)

The article below was written by Dr. Rahul Parikh and published in Salon.com.

“There’s nothing “sure or quick” about changing medical liability laws that will improve health care or its costs. Defensive medicine adds very little to health care’s price tag, and rising malpractice premiums have had very little impact on access to care.”

One of the myths behind [medical malpractice](#) is its effect on overall health care costs. Medical malpractice is actually a very small percentage of health care costs, partially because medical malpractice claims are pursued at a considerably less frequent rate than most people are led to believe. According to the Congressional Budget Office, malpractice costs amount to less than 2% of overall health care spending. It also found no difference in health care spending between states with or without limits on malpractice lawsuits.

So-called tort "reformers" push that the fiction (and I do mean **fiction**) that "frivolous" lawsuits dominate the legal system; they say that these lawsuits are behind the surge in health care expenses. Yet, considering that attorneys are, almost universally, handling these cases on a contingency fee basis (the attorney receives no fee unless the case is successful), the system offers absolutely no incentive to pursue the "frivolous" case.

The reformists further argue that reform is the most effective way to slow down the rising costs of health care. In reality, [medical negligence lawsuits](#) contribute very little to health care costs, and a significant number of patients die annually from preventable medical errors. Doctors who commit malpractice should be accountable; injured patients should be compensated for their injuries, lost wages, and ongoing treatment costs. What is the value of serious disfigurement or loss of life from a medical or surgical procedure? The injured patient has already suffered enormously; his/her rights should not be negotiable. Additional barriers to justice or artificial damage caps on their recoveries simply make them victims a second time.

46 states have some form of tort reform, yet the burden of exorbitant health care costs still exists. If a lawsuit is truly frivolous, it is dismissed early and the attorney who brings it is sanctioned by the presiding judge. The case does not go to trial; it does not burden the system. And why, if frivolous litigation is the concern, does "tort reform" always take the form of demanding caps on damage recoveries? Why do the reformers need to cap the damages of a "frivolous case", which by definition is worthless? "Tort reform" argues for caps because corporate interests are lying to you; they want to limit recovery on **serious** cases, not stop frivolous one. This is the big lie of the so-called "tort reformers". If the case is legitimate, shouldn't it be heard by a judge or jury? Isn't this guaranteed by our constitution? Why does the legislature, state or federal, influenced by corporate interests, get to decide instead of a judge or jury? Is that really what **you** want for yourself or your family and friends?

The health care and tort system debate should be focusing on two things and two things only: 1. Delivering a patient safety, and, 2. Delivering patient safety at an affordable price for all of our

citizens. It should not be focused on limiting the rights of those who are injured, maimed or killed as the result of professional negligence. It stands to reason that there will be fewer injuries and fewer lawsuits if there are sufficient safety measures in place. It is time to fix the health care and safety problems rather than bargaining away the rights patients who are injured, maimed or killed by health care providers. What are these "tort reformers" doing to improve safety? What are they doing to improve quality care? What are they doing to save lives?