

## (July 28, 2005) Lipinski Opposes Special Interests Exemptions in Extreme Medical Malpractice Bill

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Supports Substantive, Practical Compromise Legislation

To Control Rising Medical Malpractice Insurance Premiums

WASHINGTON, DC - Congressman Dan Lipinski today criticized powerful special interests, in the pharmaceutical and medical device industries, and the House Rules Committee for obstructing consideration of any amendments to a major medical liability reform bill. Congressman Lipinski and a number of his colleagues were denied the opportunity to offer constructive changes that would have incorporated common-sense provisions both Republicans and Democrats could support.

"I am extremely disappointed that no amendments were afforded an up or down vote, including mine which would have reduced the number of malpractice cases in court by facilitating the use of mediation," said Congressman Lipinski on the House floor during debate. "A practical approach to malpractice reform is long overdue, and the amendments offered could have made this a good bipartisan bill for improving patient access and care."

The medical liability reform bill that passed the House today has been voted on twice before, but stalled both times in the Senate. Unfortunately, much of this bill is a nod to special interests, specifically a provision providing a liability waiver for manufacturers of prescription drugs and medical devices, if their drug or device is approved by the FDA. Essentially, as long as a drug goes through the regular FDA approval process, it's shielded from any form of liability. No other industry gets this type of liability protection just for going through a government approval process.

The bill does not go far enough to address the medical liability problem in other ways too. It proposes damage caps that are too low to sufficiently compensate harmed patients who are truly injured by malpractice and focuses solely on limiting patients' access to courts instead of promoting mediation programs and alternative measures of dispute resolution. Mediation has proven to be a cost-effective and timely way to settle malpractice cases and Congressman Lipinski's amendment would have provided grants to set up mediation programs and to train medical malpractice mediators.

"Our health care system is in real crisis and Congress can no longer afford to play politics with the medical malpractice insurance debate," said Congressman Lipinski. "If moderate Members of Congress could meet halfway on this issue and agree on a substantive, common sense bill, our health care system would be on the road to recovery."

Congressman Lipinski joined Congressman Brian Baird (D-WA), Congressmen Jim Moran (D-VA), and C.A. "Dutch" Ruppersberger (D-MD) in introducing H.R. 3378, a comprehensive, practical medical liability reform bill last week. This legislation would: protect patient rights, penalize unwarranted litigation, promote mediation and other litigation alternatives, hold insurers accountable for rate increases and savings, reduce medical errors, hold doctors accountable, and exclude medical devices and pharmaceuticals from damage caps.

"In Illinois we particularly understand the need for medical malpractice reform with many communities having experienced a significant the loss of physicians, especially those in the OB/GYN and neurosurgery specialties," Lipinski said. "H.R. 3378 provides the vehicle for a comprehensive solution for the entire nation. It will improve the availability, cost, and quality of health care for all Americans."