

Guest Opinion: Limits on Medical Suits Healthy for All
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As health care providers, we are strongly opposed to trial lawyers' efforts to change California's Medical Injury Compensation Reform Act, or MICRA, which governs legal proceedings when someone is injured in a medical procedure. Trial lawyers have been pushing to make it easier to file lawsuits against community clinics, doctors, hospitals and other providers so they can receive more in legal fees.

These changes would increase health care costs, reduce patient access and result in more costs for state and local governments.

In an editorial on July 20 ("Keeping the courts open to injured parties"), The Press Democrat acknowledged MICRA's benefits (fewer lawsuits, lower health care costs) but suggested that minor changes to the law might be worth discussion. We respectfully disagree.

A group aligned with the trial lawyers filed an initiative to increase MICRA's cap on speculative, "non-economic" damages from the current \$250,000 to \$1.2 million — a nearly five-fold increase.

We, along with nearly 800 organizations representing doctors, nurses, hospitals, community clinics, Planned Parenthood, local governments, labor unions, employer groups and others who support MICRA, are opposed to these changes. More lawyers filing more meritless lawsuits is a bad idea.

The Legislature passed MICRA to control the rapidly increasing cost of doctors' medical liability insurance, which was threatening access to health care because there were no limits in the amount of damages that could be awarded.

The law has been successful. Under MICRA, a patient is entitled to recovery of all economic damages, or out-of-pocket expenses, including past and future medical costs and wages as well as unlimited recovery of punitive damages. In fact, since MICRA's inception, payments to patients have gone up more than twice the rate of inflation.

MICRA also limits the amount lawyers can take from their clients in fees. Instead of taking their normal 40 percent, MICRA mandates a sliding scale.

MICRA allows up to \$250,000 for non-economic damages. Contrary to the assertion made by trial lawyers, this is reasonable to ensure that legitimate claims can go forward and those injured receive compensation. At the same time, the cap limits incentives to file meritless lawsuits.

The initiative includes other provisions serving as window dressing, relating to drug testing and prescription drugs. But make no mistake: The MICRA change is the main reason lawyers are pursuing this. Increasing non-economic damages from \$250,000 to \$1.2 million would make it easier for lawyers to file meritless lawsuits and generate big legal fees for themselves.

If the trial lawyers win, we all pay. More frivolous lawsuits mean higher health care costs for all of us and could force many providers to scale back on services because of the higher cost of providing care. This means reduced access for patients.

Groups from all over California, including doctors, hospitals, nurses, community health clinics, labor unions, local governments, business groups, emergency responders and others, support MICRA and oppose the trial lawyers' proposed changes.

MICRA works well. We don't need to change it just to benefit lawyers.

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