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## Tort reform will stick consumers with tab

By Stuart Ratzan

As health care reform bills move through Congress, there are many key decisions to be made. Capitalizing on the cynical view many have toward attorneys, the Republican approach to health care reform is a big-business, pro-insurance and anti-consumer refrain: "tort reform." The "tort reformers" seek to pin our economic ills on the backs of lawyers and the lawsuits they prosecute.

But what about the baby with simple jaundice who is neglected overnight in a hospital and suffers a massive brain injury? What about the 16-year-old killed when the blood bank mishandles her transfusion and delivers the wrong blood type? About 98,000 people are killed every year due to preventable medical errors, but the tort reformers never discuss this because it complicates their simplistic arguments.

Our system of justice provides safety for all Americans by identifying negligent error and assigning responsibility for it. In this way, we are all safer knowing that our health care providers, like motor vehicle drivers, will be accountable for their carelessness. What's more, our justice system helps defray the costs of medical error by shifting the responsibility for payment to the persons responsible.

Removing accountability will not improve quality and will hardly reduce overall health care costs. The cost of medical malpractice lawsuits, claims payouts and defensive medicine combined, according to the Congressional Budget Office, accounts for less than 2 percent of our health care spending.

Florida and Texas stripped accountability for medical neglect, removed their citizens' legal rights, and delivered tort reform. Health care costs remain out of control in both states, while medical negligence and its consequences persist.

Lost in this debate is the cost of malpractice itself: If 98,000 Americans die each year due to preventable medical error, how many more survive the malpractice only to find themselves facing a lifetime of exorbitant medical costs? According to a recent Harvard study, only 12 percent of injured patients or their families sue. This suggests that most often, private insurance or the government is left to foot the bill.

The winners in tort reform legislation are those who cause the harm and who would otherwise be unaccountable for their wrongdoing — hospitals, doctors, insurance companies and big business. The real losers are patients and the health care system, as quality of care will lose its best monitoring device. We will have done nothing to curtail costs, and injured victims of medical malpractice, or our Medicare or Medicaid systems, will be left to pay the bill.

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