



For Immediate Release

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***ENZI, BAUCUS INTRODUCE BILL  
TO OVERHAUL MEDICAL LIABILITY SYSTEM;  
SEEK JUSTICE FOR PATIENTS, HEALTH CARE PROVIDERS***

**Washington, D.C.** - Saying the medical liability system needs urgent care and repair to work better for both patients and doctors, U.S. Senator Mike Enzi (R-WY), Ranking Member of the Senate Health, Education, Labor and Pensions (HELP) Committee, today introduced a reform bill that will deliver quick and fair compensation to injured patients, while providing consistent and reliable results so that doctors can eliminate the practice of defensive medicine and learn from medical errors.

“The medical litigation system urgently needs first-aid,” 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 is 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.”

Enzi and Senator Max Baucus (D-MT), Chairman of the Senate Finance Committee, who is co-sponsor of the bill, announced the introduction of the “Reliable Medical Justice Act” during a press conference today. The bill, which is similar to legislation that Enzi and Baucus proposed in the last Congress, would authorize funding to enable states to take a fresh approach to solving the medical liability problem by creating demonstration programs to test alternatives to our current medical tort litigation.

“We can’t continue to live with a flawed, tort-based, medical justice system if it doesn’t improve the quality of health care or provide better patient safety,” Enzi added. “Endless litigation discourages the exchange of critical information that could be used to improve the quality and safety of patient care.”

The constant threat of litigation also drives the inefficient, costly and even dangerous practice of “defensive medicine,” which occurs when a doctor departs from doing what is best for the patient because of fear of a lawsuit. Defensive medicine can mean ordering more tests or providing more treatment than necessary. Some estimates suggest that Americans will pay \$70 billion for defensive medicine this year.

An Institute of Medicine study, *“To Err is Human,”* estimated that preventable medical errors kill somewhere between 44,000 and 98,000 Americans each year. In the seven years since that study, little progress has been made as the practice of medicine has become more specialized and complex and the tort system has forced more focus on individual blame than on system safety.

The “Reliable Medical Justice Act” will establish a program under which the Secretary of Health and Human Services would award demonstration grants to states for the development, implementation and evaluation of alternatives to current tort litigation for resolving disputes over health care errors by:

- requiring states receiving grants to establish procedures to allow for voluntary patient-safety organizations to collect and analyze data on preventable injuries that are compensated under their programs, in accordance with guidelines established by the Secretary;
- permitting the Secretary to make a portion of the amounts appropriated available to any State for initial planning grants to permit the development of demonstration grant proposal; and
- directing the Secretary to evaluate the demonstration programs.

“We still have a crisis on our hands,” Enzi concluded. “We need to refocus on patient safety. We need a system that restores a sense of order and proportion. The Reliable Medical Justice Act would put us on that path.”

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