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Health court benefits discussed by experts; More information Monday's forum was co-sponsored by the Wyoming Healthcare Commission and the non-partisan legal reform coalition Common Good. The Healthcare Commission examines health-care issues and drafts recommendations to improve health care in Wyoming. Common Good is a non-profit organization dedicated to restoring reliability in the U.S. legal system and minimizing the impact of legal fear in American life.

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Doctors and lawyers spoke of issues including medical malpractice and errors at a Common Good forum.

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CHEYENNE - Wyoming legislators, doctors, lawyers and health insurance executives came together Monday to discuss health-care reform, patient safety and reducing medical errors.

For three hours, medical and legal experts presented research on medical errors, patient safety, medical malpractice liability and compensation. Faculty members from Harvard University, the University of Denver's Sturm College of Law, and Yale Law School are collaborating with Common Good to perform outreach and state demonstration projects similar to the one held in Cheyenne.

Common Good claims the current medical liability system fails both patients and providers. The group has proposed the creation of health courts with expert decision makers that will improve patient safety and allow those who are injured to receive quick, reasonable compensation. The health court proposal continues to gain bipartisan support from medical, patient safety and public policy groups.

The forum included presentations about ways in which health courts, or an administrative approach to injury compensation, may enhance patient safety.

Also mentioned was enterprise liability, which is how litigation should move away from blaming one person, such as a physician, and focus on system-wide failures that may have contributed to the medical error.

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Harvard's Dr. Allen Kachalia said some key areas needed for patient safety include voluntary and mandatory reporting of medical errors, states increasingly adopting reporting laws and more detailed information about the preventable errors.

In May, U.S. Sen. Mike Enzi, R-Wyo., and U.S. Sen. Max Baucus, D-Montana, introduced the "Fair and Reliable Medical Justice Act." To resolve medical malpractice claims, the reform bill would give 10 states grants to establish health courts.

Instead of jury trials in regular court, malpractice cases would be heard by medical experts.

Enzi is the ranking member of the Senate Committee on Health, Education, Labor and Pensions and did not attend Monday's forum, but instead issued a statement.

"Here in Wyoming, the cost of medical litigation has a great effect on our state. According to a study that was released at the end of last year, nearly one-third of our doctors are considering leaving Wyoming. Many of them pointed to the cost of their malpractice insurance as a factor," Enzi said.

His statement went on, "Our current medical litigation system is broken. It doesn't work well for patients and doesn't work well for doctors. What we need is a system that delivers quick and fair compensation to injured patients while providing consistent and reliable results so doctors can eliminate the practice of defensive medicine and learn from medical errors."

Opponents of health courts include many attorneys who believe patients injured by physicians should not be deprived of their right to be heard by a jury.

One of those opponents, attorney Dale Nance with Case Western Reserve University School of Law was not scheduled to present his findings Monday. But the Wyoming Trial Lawyers Association urged organizers to include him as a speaker.

Nance said he believes the health court concept is the latest in a series of proposals to eliminate or drastically reduce the rights of injured patients. He said it is ill-conceived and unfair to patients.

Nance said patients can be served fairly and with greater efficiency under the existing civil justice system. Nance's report has been published in a book titled "Medical Injustice: The Case Against Health Courts."

State Sen. Charles Scott, R-Casper, is the co-chairman of the Joint Labor, Health and Social Services Interim Committee and attended Monday's forum. He said he was impressed by what he heard.

"My prediction is sooner or later we will have another malpractice crisis in this state, and we're going to need some different remedies. Because I think the remedy of putting a cap on damages is no longer one we can seriously look at here. That was rejected by the people; it's gone. So we need some different options."

Scott went on to say the proposed changes show promise.

"Because it improves the compensation that the patients get, it broadens the number of people who are hurt to get compensation, and it improves patient safety," he said. "At the same time, it gets away from some of the aspects of the current malpractice system that the physicians dislike the most."

