

Hospitals send busloads to insurance reform rally

By Tim Richard
staff writer

Nearly 10,000 health care people Tuesday flooded the Michigan House of Representatives, the new battleground in the state's medical malpractice liability crisis.

"The Michigan Senate acted responsibly when it passed a 19-bill package last week to deal with the liability insurance problem," Dr. Fred Minkow of Bloomfield Hills told the assembly in the Lansing Civic Center before it marched to the State Capitol for a noon rally.

"We are here to say it's time for the Legislature to recognize the crisis and pass the necessary bills to keep health care in Michigan affordable and available."

MINKOW, PRESIDENT of the Oakland County Medical Society, repeatedly advised the doctors, specialists, technicians, nurses, office staff, spouses and friends to stick to facts and logic when they buttonholed state representatives.

They heeded his advice. Gov. James J. Blanchard, lead-off speaker in the Capitol rally, praised the massive group's decorum.

And to those who say doctors deserve to be sued, Minkow had this counter-argument: "The truth is the best doctors in the state are the ones sued the most."

"This is a large that affects all of us, not just doctors," said St. Mary staff physician Robert Lilly as he recruited demonstrators.

STATE POLICE estimated 200 to 250 buses, each carrying up to 40 people, and uncounted numbers of passenger cars were parked around the Capitol. Sources from Beaumont Hospital in Royal Oak said they sent 11 busloads with 565 people. Botsford Hospital in Farmington Hills reported four busloads, and St. Mary Hospital in Livonia was expected to generate at least five busloads.

Although the liability reform package — designed to ease the insurance and lawsuit load not only on medical people but on local governments and taverns, too — sailed through the Senate last Thursday with less than a handful of dissenting votes, it faces stiffer going in the House.

Nevertheless, House minority leader Michael Busch, R-Saginaw, promised that "we'll have a package by Thanksgiving."

SEN. DAN DeGroot, R-Port Huron, who chaired the Senate Select Committee which wrestled with the bills during the summer, flatly rejected lawyers' argument that soaring liability insurance rates are due to the greed of the insurance industry.

"It used to be that 'an apple a day kept the doctor away.' Now it's the threat of being sued," said the freshman senator.

Deploing the "brain drain" of Michigan-trained medical talent, DeGroot cited an Oakland County survey which showed that half of surgical trainees plan to leave Michigan to set up practice.

"The liability crisis endangers the availability of high-risk care," he said.

An insurance company which covers physicians against malpractice suits reported the frequency of claims against its policyholders more than doubled from 13 per 100 in 1979 to 28 per 100 in '82. Its average indemnity increased 360 percent in the period 1980-4.

THIS AREA'S seven senators were all but unanimous as the upper chamber passed the package last week. Examples:

- All voted for the bill to limit non-economic damages in suits against governmental agencies.
- All backed limits on attorneys' fees.
- All backed tougher penalties on hospitals which

fail to keep thorough records of treatments.

• All but Sen. Jack Faxon, D-Farmington Hills, backed the bill to require that "expert" witnesses in malpractice suits be persons who spend at least 75 percent of their time either practicing or teaching their specialty.

The bill is designed to halt the influx of so-called "flash peddlers" — non-practicing doctors who allegedly testify to anything that a plaintiff pays them to testify about.

But Faxon, in a formal objection to the bill, said, "We are, in effect, denying so many rights through this process that I seriously believe there will be a legal (court) challenge."

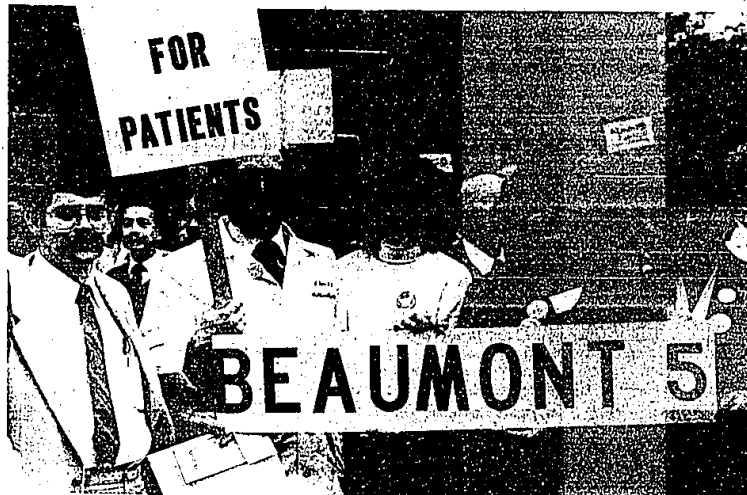
ONE KEY provision split the local delegation.

The Senate rejected, 25-12, an amendment that would have capped recovery for non-economic (pain and suffering) damages to \$1 million. The bill, as passed, set the cap at \$250,000. (No limit was set on economic damages, such as medical bills and loss of work.)

A \$1 million cap was supported by Sens. Doug Cruce, R-Troy, William Faust, D-Westland, and Faxon.

Sticking with the \$250,000 cap were Sens. Richard Fessler, R-West Bloomfield, R. Robert Geake, R-Northville, Patrick McCollough, D-Deerborn, and Rudy Nichols, R-Waterford.

Nichols said, "The \$1 million figure is simply too high. This would become a figure to aim for... the target to shoot for," encouraging rather than discouraging litigation.



Beaumont Hospital in Oakland County bused in more than 500 of the nearly 10,000 State Capitol demonstrators in favor of holding down liability insurance premiums. From left: Dr. Harm Kraal, urologist, of Beverly Hills; Dr. Harry Doerr, obstetrician at Providence Hospi-

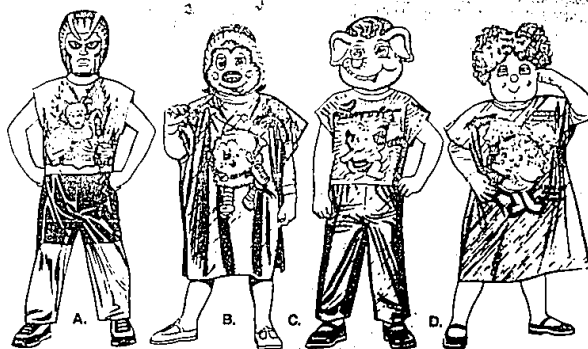
tal in Southfield; Cassie Vasileff, assistant in her husband's Birmingham medical office; Carol Ordonez, Bloomfield Hills, president of the Oakland County Medical Society Auxiliary; and Jean McInerney, treasurer of the auxiliary.

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