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Chicken Little-cries push lawsuit reform proposals forward in Oklahoma

Hugh M. Roberts, executive director of the Oklahoma Center for Consumer and Patient Safety

House Speaker Todd Hiett's claims — that Oklahoma businesses are leaving the state, businesses are not coming to the state, and doctors are leaving due to their medical malpractice rates — reminds me of the childhood tale of Chicken Little, who went around, crying, "The sky is falling, the sky is falling."

Hiett and the Chamber of Commerce have not named a single business that has actually left Oklahoma due to frivolous lawsuits.

The Chamber's own survey ranks Oklahoma's business environment higher than states that have already passed lawsuit reform, including Texas and California.

The number of doctors is actually increasing in Oklahoma, according to data from the Oklahoma State Board of Medical Licensure and Supervision and Board of Osteopathic Examiners. Oklahoma ranks sixth per capita for the number of doctors who reside and practice in Oklahoma. The number of licensed physicians and osteopaths practicing in the state are up almost 9 percent from 1995 to 2004.

Doctors are claiming the insurance rates are forcing them to consider retirement or leave the state.

According to the federal government's Medicare program, Oklahoma doctors spend an average of only 1.7 percent of their practice incomes on malpractice insurance, compared with a nationwide average of 3.9 percent. This means Oklahoma doctors pay 56.4 percent less than the national average.

It would seem that a more productive conversation would be focused on ways to reduce the number of preventable medical errors.

Extrapolating from the Institute of Medicine (IOM) findings, it would put an estimate of at least 528 to 1,176 deaths in Oklahoma each year that are due to preventable medical errors in hospitals.

Additionally, rather than taking away one's rights, they should take care of the true problem.

According to the National Practitioner Data Bank, just 3.6 percent of Oklahoma doctors have been responsible for 43.4 percent of all malpractice payouts to patients. Even more surprising, just 1.3 percent of Oklahoma doctors, each of whom has made three or more malpractice payouts, were responsible for 22.9 percent of all payouts.

So if the sky is not really falling, why are they trying to pass sweeping reforms that would provide

Zoom Photo



Hugh Roberts

protection and immunity to corporations — at the expense of consumers and patients?

If you look at the industries backing such measures one can interpret their motives. These industries include the American Insurance Association, which upon the defeat of HB 3120 in the Senate committee, expressed their disappointment.

The most troubling section of the bill is the cap on non-economic damages. Such caps are discriminatory towards women, children, elderly and the poor who have no income. If a negligent physician left a child blind and paralyzed for life, \$300,000 is the most that innocent child could receive for his life of darkness and immobility.

So since the sky isn't falling, we are left to ask ourselves why

Speaker Hiatt is trying to take away consumers' and patients' rights and discriminate against the most vulnerable people in our state?

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