



“Tort Reform” Won’t Fix Health Care

Written On December 22, 2009 By [Bob Kraft](#)

In an op-ed article in the [Baltimore Sun](#), attorney Wayne M. Willoughby makes a convincing argument that “tort reform” is not the solution to high healthcare costs. Here are excerpts from the article:

For months now, national Republicans and their media supporters have attempted to divert the health care debate away from improving access to quality health care. Instead, they call for legislation stripping away the rights of injured patients. Over a half-dozen such amendments have been introduced by Senate Republicans so far this month.

As any former supporter of “tort reform” can tell you once he or she becomes seriously injured by medical negligence, such reform sounds grand in the abstract. “Those people” should not be getting “all that money.” However, when you (or your spouse, child or parent) are the injured patient, tort reform is no longer an abstraction involving “those people” – it is about being denied basic fairness.

The Institute of Medicine found 10 years ago that up to 98,000 people die every year from preventable medical errors, and countless more are severely injured. This is the equivalent of two 737 planes crashing every single day.

If air travel were this unsafe, who would shoulder the blame – the passengers or the airlines? Would any politician dare to claim that we should limit the legal rights of passengers in order to protect the airlines

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and lower ticket prices? Of course not; they would be clamoring to enact laws to improve flight safety. Yet, when it comes to health care, Republicans on Capitol Hill offer the snake oil of tort reform instead of pushing for greater safety.

Citizens should demand that politicians pursue a different model of reform – one that places the priority on increasing patient safety rather than on insurance company profits. The proponents of “tort reform” should join with the proponents of health care reform to enact legislation to eliminate preventable medical errors. If preventable medical errors that injure tens of thousands of patients each year are significantly reduced, the result would be both a substantial increase in patient well-being and a substantial decrease in malpractice actions – all while protecting the rights of those with legitimate claims.

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