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NEWS RELEASE

Malpractice Survivors Decry Governor's Action

Alton-Medical malpractice survivors gathered today in Alton to condemn Governor Rod Blagojevich's decision to sign SB 475, the Medical Malpractice Bill later in the day. Before and after the bill passed the legislature, the families pleaded with the Governor to veto what they describe as a "cruel bill that will be devastating for many Illinois families."

The event was sponsored by the Center for Justice and Democracy (CJ&D) and attended by members of their patient network, Patients for Justice, who are survivors of medical malpractice. The bill caps compensation for quality of life or "non-economic" injuries like blindness, infertility, and maiming to \$500,000 against doctors and \$1 million against hospitals. Such caps have twice been declared unconstitutional in Illinois.

"If such a proposal had been in place when a doctor's misdiagnosis caused me to lose my eyesight, I wouldn't have recovered enough compensation to make the changes necessary in my life to cope with blindness," said Debi Surlas. "My case is already settled and will not be affected by this bill. But I worry about all the future victims to come. Caps affect the most severely injured people."

Patients for Justice expressed outrage that the Governor is going back on his pledge to veto any bill capping compensation to victims of medical malpractice.

"Four thousand people die every year in Illinois hospitals due to negligent medical care. Tens of thousands are injured. The caps contained in this bill will hurt these families, especially those who have the most catastrophic injuries. Thanks to this bill, they may not receive adequate compensation to meet their daily needs," said Kathy Ghawi, whose husband had the wrong side of his brain operated on.

The bill's signing comes on the heels of several reports confirming that jury verdicts and settlement awards have little to do with malpractice insurance premiums. Insurance experts have said that fluctuating insurance rates have more to do with changing interest rates that vary insurers' investment returns.

“The caps will hurt injured people. Especially people like me who require care for years following their injury,” added Surlas.

“In addition to harming patients, the caps in this bill won’t even help doctors with their insurance rates,” said Amber Hard, CJ&D-Illinois Staff Director. “When the Supreme Court in Wisconsin recently declared that state’s cap unconstitutional, they found that there is no rational basis for claims that caps lower premiums for doctors, reduce defensive medicine, or lower health costs. They found that the main effect of caps was to deny compensation to the most severely injured patients, especially children.”

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The Center for Justice and Democracy is a non-profit, non-partisan consumer protection organization dedicated to educating the public about the importance of the civil justice system.