

Notes from June 9th Health Care Study Group Meeting

Thanks to Sue Donaldson for hosting!

Agenda:

Introductions

Review and revise mission statement:

Mission: To provide the 46th District Democrats with an in-depth analysis and recommendations relating to health care issues.

Determine issues to be studied

Prioritize issues

Set meeting times and places

Attended by:

Teresa Chegin

Sheldon Biback

Martha Dye Whealen

Will Wilcox

Paula & Brian King

Chad Lupkes

Sue Donaldson (Hostess)

Charles Heaney

Evelyn McChesney

Patricia Boiko

Handouts included the results on Discussions about Health Care from the 7th Congressional District Grassroots Strategy Session.

Martha provided copies of the following page:

http://www.washingtonpolicy.org/Misc/PB_MedicalLiabilityReform.html

We have reproduced the discussions of the ballot measures below.

2005 Ballot Initiatives on Medical Liability Reform

Initiative 330

This initiative is sponsored by the Washington State Medical Association (WSMA). If approved by voters, the initiative would change state law to:

1. Restrict non-economic damages to between \$350,000 and \$1,050,000;
2. Change the statute of limitations for filing claim on behalf of a minor child from age 21 to age eight.
3. Limit attorneys' fees to 40% of the first \$50,000 of a court award, 33 1/3% of the next \$50,000, 25% of the next \$500,000, 15% of any amount over \$600,000;
4. Modify the joint and several liability laws so that defendants are held strictly accountable for their share of liability in contributing to their own injury;
5. Change the vicarious liability statute so that hospitals, doctors and other healthcare providers are responsible for only their own share, or their employees share, of liability.

This initiative is limited only to medical liability and does not effect general tort reform. The Washington State Medical Association has fully committed itself to passage of this measure, and has announced it will be the focus of their public policy efforts in 2005. The Association is also preparing to fight expected court challenges, including those filed on constitutional and equal protection grounds, against the initiative. The initiative's severability clause provides that any parts of this initiative not challenged in court will go into effect upon passage. It also provides for a constitutional amendment to be introduced if the state supreme court rules that the cap on non-economic damages is unconstitutional.

Initiative 336

This initiative is sponsored by the Washington State Trial Lawyers Association (WSTLA). If approved by voters, the initiative would change state law to:

1. impose a three-strikes-you're-out provision on doctors and other health care providers which would require disciplinary action up to and including loss of license for conviction for negligence in three medical malpractice suits within a ten year period;
2. create a government-run malpractice insurance program;
3. change the membership of the Medical Quality Assurance Commission to include two additional public members. Two of the Commission's six public members would have to be representatives of patient advocacy groups;
4. require that any verdict or settlement over \$100,000 must be reported to the state Department of Health;
5. require that a doctor fully disclose, upon patient request, a doctor's experience;
6. allow a patient or family member access to information related to adverse medical incidents;
7. require insurance companies to disclose their rating factors and criteria when a rate change occurs which impacts medical malpractice rates;
8. limit the number of expert witnesses in a malpractice claim to two unless more experts are shown to be necessary;
9. expand the legal definition of an adverse medical incident.

The State Trial Lawyers Association has made passage of Initiative 336 its top legislative goal for 2005. Like Initiative 330, this initiative includes a severability clause that allows those provisions not challenged in court to go into effect upon passage.

Study Group Notes

Discussion of Canadian health care system, including the recent Canadian Supreme Court ruling.

Are there universal health care systems?

- France & Germany have privately administered & publically funded
- Sweden & Norway are socialized entities

Health Care for All – Is Single Payer the top issue?

Our conclusion is that Universal Coverage is the top issue, regardless of how that comes about.

Initiatives:

The 46th Dems need help understanding a voting on Initiatives 330 and 336. White papers?

A consultant to the Spokane Chamber of Commerce has written a summary of the bills.

We can also watch the PDC website and track how their fundraising efforts are doing, and who is supporting each.

It's hard to talk about screw-ups; we must be able to talk about quality improvement.

How do we get rid of bad doctors and bad lawyers?

National bills sponsored by John Conyers (HR 676) and Jim McDermott (HR 1200) We can do debates on the congressional district level (PDCW is working on it)

Process for this committee:

Long Term: Universal Coverage

Short Term: Initiatives, analysis, role of money in campaigns

Role of money can tie into campaign finance reform.

Discussion continued on alternative plans

- protection from frivolous lawsuits
- on bad cases, lawsuits
- need a place to understand the situation better
- we need a no-fault system
- Pre-claim review

Discussion on patient safety

- Being able to say sorry is in the law
- Being able to report near misses without retribution
- Institute of medicine report
- systems engineering

Our next steps:

1. Compile a list of organizations within the 46th, King County and statewide that are working on the health care issue. We need to join a coalition.
2. Where and when are workshops being held on Health Care, and by whom?
3. Remember the goals of activism: Engage, Educate, Empower ourselves & others

Results on Discussions about Health Care

(From the WA-Democrats 7th CD Grassroots Strategy Session)

Top priorities in discussions about Health Care

- Make health insurance not-for-profit
- Make universal health care based on a graduated fee
- Provide universal health care for all American Citizens
- Redefine Health Care as a human right
- Support single-payer tax system
- Teach universal wellness principles (exercise, nutrition) in schools

Suprises in discussions about Health Care

- Empower Doulas
- Get Medicare to pay for Health Club Memberships
- Make Fast food and tobacco proceeds go to health care

General topic areas covered in discussions about Health Care

- Business Relations
- Collective Bargaining
- Education
- Health Plans and Insurance
- Other
- Pharmaceuticals
- Policies
- Programs
- Universal Health Care

(Each of these topic points contained multiple sub-notes. We're trying to get an electronic copy.)