

January 28, 2005

The Honorable Diane Feinstein
Hart Office Building
Room 331
Washington, D.C. 20510

RE: Medical Malpractice Cost to California and the Nation

Dear Senator Feinstein:

I appreciate meeting with you in January of 2003, when we spoke of my son Steven and the President's push to impose a California-style medical malpractice damage cap on the nation. I would like to meet with you again in February, and hope you will press for an investigation into the cost of medical malpractice to the state and federal governments.

I recently spoke with a friend of mine from El Sobrante, Cyndi Enzenauer, whose husband died when the ER missed the results of a blood test. She told me that her family relies on Social Security survivor benefits to make ends meet because their medical malpractice settlement does not cover the family's needs. I have learned from others that, due to provisions in California's MICRA law that limit patients' recovery or keep them out of court entirely, Medi-Cal often pays malpractice-related health care costs for victims of medical errors.

The reality of medical malpractice cases is the economic damages can fail to cover all of the patient's future needs or the costs faced by the family. Expenses the jury could not have anticipated will occur - in the form of unforeseen illness or an unprecedented rate of medical inflation. Patients frequently must rely on non-economic damages to fill the gap. When these damages are capped, as they are in California, government assistance is the only lifeline available to patients and families that are not adequately compensated by malpractice insurance companies.

This means the taxpayers are paying the price when doctors and hospitals commit medical errors. How much money does Social Security spend to support the families of people killed by medical negligence? What do public health programs like Medi-Cal pay to care for people who suffered from preventable medical injuries but did not receive enough economic damages to pay the bills or even cover necessary care?

I hope you will ask the Government Accountability Office, or another appropriate nonpartisan agency, to investigate these costs. Determining the dollar amount will uncover a missing piece of the puzzle in the debate about the cost of medical malpractice.

My family would like to meet with you on this issue when we are in Washington D.C. next month. We are available on February 7th, 8th, or 9th.

Thank you, in advance for your help in obtaining this information.

Sincerely,
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