

**Received(Date):** 25 JUL 2002 12:27:38

**From:** Rebecca\_Seidel@judiciary.senate.gov (Rebecca Seidel) (  
Rebecca\_Seidel@judiciary.senate.gov (Rebecca Seidel) [ UNKNOWN ] )

**To:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

**Subject:** : Fwd:NOTE WELL: BUSH MEDICAL MALPRACTICE PLAN

[P\\_G0009003\\_WHO.TXT\\_1.gif](#)

[P\\_G0009003\\_WHO.TXT\\_2.gif](#)

[P\\_G0009003\\_WHO.TXT\\_3.gif](#)

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rebecca\_Seidel@judiciary.senate.gov (Rebecca Seidel) (  
Rebecca\_Seidel@judiciary.senate.gov (Rebecca Seidel) [ UNKNOWN ] )

CREATION DATE/TIME:25-JUL-2002 12:27:38.00

SUBJECT:: Fwd:NOTE WELL: BUSH MEDICAL MALPRACTICE PLAN

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

ambitious. good luck..... love those caps :)

Forward Header

Subject: NOTE WELL: BUSH MEDICAL MALPRACTICE PLAN

Author: "Lawrence J. Block" P6/b(6)

Date: 7/25/2002 9:13 AM

WSJ.com - Major Business News

July 25, 2002

## POLITICS AND POLICY

Bush Will Propose Sharp Curbs  
In Medical Malpractice Awards

By SARAH LUECK and JEANNE CUMMINGS  
Staff Reporters of THE WALL STREET JOURNAL

## SURGING HEALTH COSTS

Soaring  
Costs3 . Insurers' Price Wars Contributed to Doctors Facing

06/24/02

Quit4 . OB-GYNs Say High Insurance Costs Are Forcing Them to

05/07/02

WASHINGTON -- President Bush will call for sharply limiting malpractice awards to stem a growing crisis among doctors, some of whom say they have given up their practices because they can no longer afford rising fees for malpractice insurance.

Mr. Bush will roll out his "Framework for Improving the Medical Liability System" Thursday during a roundtable discussion with medical professionals at High Point University in North Carolina. The proposal, which would require congressional approval, could supersede state laws.

For more health coverage, visit the Online Journal's new Health Industry Edition at [wsj.com/health1](http://wsj.com/health1), and take a tour<sup>2</sup> of the edition.

It faces long odds of passage. Trial lawyers and patients' rights advocates are certain to vigorously oppose the plan.

According to documents released by the administration Wednesday night, the president is calling for a \$250,000 cap on noneconomic damages such as pain and suffering, and a new standard that insists that monetary awards reflect a defendant's level of culpability rather than the doctor's or hospital's wealth.

As to punitive damages, which can reach into the millions, Mr. Bush would limit them to cases where defendants are found to have deliberately or maliciously injured the patients; punitive damages would be double the economic damages up to a cap of \$250,000 or double the economic damages, whichever is more. The plan wouldn't limit economic damages. The Department of Health and Human Services also is calling for a new program, called "Early Offers," that encourages doctors to offer economic compensation to patients quickly after an injury.

The American Medical Association and other physicians' groups have been pressing for state and federal changes that would stop what they are calling a malpractice-insurance crisis. AMA President-elect Donald Palmisano is expected to attend Thursday's roundtable.

In April, Republican Reps. James Greenwood of Pennsylvania and Christopher Cox of California introduced a bill that, in addition to capping malpractice damages, would limit contingency fees for lawyers and prohibit punitive damages related to products that won a legitimate approval from the Food and Drug Administration.

The House has yet to take it up, and the president's decision to weigh in on the issue is intended to give Rep. Greenwood's proposal new momentum. Mr. Bush's use of the bully pulpit on the issue reflects Republicans' concern that they need to demonstrate action on a health-care issue before the midterm elections.

Write to Sarah Lueck at [sarah.lueck@wsj.com](mailto:sarah.lueck@wsj.com)<sup>5</sup> and Jeanne Cummings at [jeanne.cummings@wsj.com](mailto:jeanne.cummings@wsj.com)<sup>6</sup>

URL for this article:

<http://online.wsj.com/article/0,,SB1027559612638336320,djm,00.html>

Hyperlinks in this Article:

(1) <http://wsj.com/health>

(2) javascript:

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(3)

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(4)

<http://online.wsj.com/article/0,,SB1020737950169580600,00.html>

(5) <mailto:sarah.lueck@wsj.com>

(6) <mailto:jeanne.cummings@wsj.com>

Updated July 25, 2002

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no,directories=no,menubar=no,status=no,location=no,scrollbars=yes,resizable
=yes'
)
}

function find_string( inwhat, what )
{
    return ( inwhat.indexOf( what ) >= 0 );
}

function init()
{
    // The set focus does not work in Netscape 2.0
    // because of the nested tables or something
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//-->
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    {
        NumAttempts++;

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            setTimeout( 'onLoadAction()', 250 );
        }
    } else
    {
        //added by tahir for health journal
        var WinLoc = window.top.location+""
        if
(WinLoc.indexOf('public/health')>-1||WinLoc.indexOf('dow_jones_health_index
es')>
-1) {
            DisplayPopUpForHealth()
        }

        // commented out by lee, 12/12/2001 to prevent JS errors
        //setSubs();
        //setAds();
        // Added by WFK, 04/23/2001
        // Personal Journal, Define the default field to receive focus on
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        PJ_SetDefaultFocus();
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    var creditline = escape("Staff Reporters of The Wall Street Journal");

    var pubDate = escape( "2002-07-25");
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    }
    else if (pubNameCheck == "Barron's Online")
    {
        var pubName= escape("barrons.com");
    }
    else
    {
        var pubName= escape("newswires");
    }

    var url = "https://s100.copyright.com/Clients/wsj_com/FairUse.jsp";
    var location = url + "?PublisherName=" + pubName + "&ContentID=" +
contentID + "&orderReset=true" + "&Title=" + title + "&Author=" + author +
"&CreditLine=" + creditline + "&PublicationDate=" + pubDate;
    PopUp = window.open(location, 'reprints',

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    if ( "" != sURL )
        self.open( sURL, "Convert59Popup",
"width=440,height=370,scrollbars=no",
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}
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// this function removes the subscriber cookie that may have been written
on the
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path=/; domain=.wsj.com;';
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      style="FONT: bold 12px times new roman, times, serif">
      <P style="FONT: bold 12px times new roman, times, serif">By <B>SARAH
      LUECK</B> and <B>JEANNE CUMMINGS</B> <BR><SPAN
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of THE WALL STREET JOURNAL</B></SPAN><BR></P></SPAN></SPAN>
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<P class=times>WASHINGTON -- President Bush will call for sharply limiting

malpractice awards to stem a growing crisis among doctors, some of whom

say they have given up their practices because they can no longer afford

rising fees for malpractice insurance.</P>

<P class=times>Mr. Bush will roll out his "Framework for Improving the

Medical Liability System" Thursday during a roundtable discussion with

medical professionals at High Point University in North Carolina. The proposal, which would require congressional approval, could supersede state laws.</P>

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<DIV class=plnEleven>For more health coverage, visit the

Online Journal's new <A class=plnEleven

href="http://wsj.com/health"><B>Health Industry Edition</B> at



wsj.com/health</A><SUP>1</SUP>, and <A class=plnEleven href="javascript:window.open('http://www.wsj.com/wsagate?source=health-tour&URI=/htour/welcome.html'," , 'toolbar=no,scrollbars=no,location=no,width=765,height=515,left=100+,top=100'); void("")">take a tour</A><SUP>2</SUP> of the edition.

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<P class=times>It faces long odds of passage. Trial lawyers and patients' rights advocates are certain to vigorously oppose the plan.</P>

<P class=times>According to documents released by the administration Wednesday night, the president is calling for a \$250,000 cap on noneconomic damages such as pain and suffering, and a new standard that insists that monetary awards reflect a defendant's level of culpability rather than the doctor's or hospital's wealth.</P>

<P class=times>As to punitive damages, which can reach into the millions, Mr. Bush would limit them to cases where defendants are found to have deliberately or maliciously injured the patients; punitive damages would be double the economic damages up to a cap of \$250,000 or double the economic damages, whichever is more. The plan wouldn't limit economic damages. The Department of Health and Human Services also is calling for a new program, called "Early Offers," that encourages doctors to offer economic compensation to patients quickly after an injury.</P>

<P class=times>The American Medical Association and other physicians' groups have been pressing for state and federal changes that would stop what they are calling a malpractice-insurance crisis. AMA President-elect Donald Palmisano is expected to attend Thursday's roundtable.</P>

<P class=times>In April, Republican Reps. James Greenwood of Pennsylvania and Christopher Cox of California introduced a bill that, in addition to capping malpractice damages, would limit contingency fees for lawyers and prohibit punitive damages related to products that won a legitimate approval from the Food and Drug Administration.</P>

<P class=times>The House has yet to take it up, and the president's decision to weigh in on the issue is intended to give Rep. Greenwood's proposal new momentum. Mr. Bush's use of the bully pulpit on the

issue

reflects Republicans' concern that they need to demonstrate action on a

health-care issue before the midterm elections.</P>

<P class=times><B>Write to</B> Sarah Lueck at <A class=times

href="mailto:sarah.lueck@wsj.com">sarah.lueck@wsj.com</A><SUP>5</SUP> and  
Jeanne Cummings at <A class=times

href="mailto:jeanne.cummings@wsj.com">jeanne.cummings@wsj.com</A><SUP>6</SUP></S  
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Subject: NOTE WELL: BUSH MEDICAL MALPRACTICE PLAN  
To: Will Zerhouni [P6/b(6)]  
Wayne Callaway [P6/b(6)]  
"Taylor (Hotmail) McConkie" [P6/b(6)]  
Sven Prior <swen\_prior@judiciary.senate.gov>,  
robert mcconnell <robert.mcconnell@hyi-usa.com>,  
Rebecca Seidel <Rebecca\_Seidel@judiciary.senate.gov>,  
Paul Larkin [P6/b(6)]



Patricia Knight <Patricia\_Knight@hatch.senate.gov>,  
Patricia DeLoatche <Patricia\_DeLoatche@judiciary.senate.gov>,  
Mark Zymet <yank06@aol.com>, "Michael J. Wiley" [REDACTED] P6/b(6)  
"Mark S. Lipkovitz" [REDACTED] P6/b(6)

Mark Monson <mark\_monson@judiciary.senate.gov>,  
Makan Delrahim <makan\_delrahim@judiciary.senate.gov>,  
"Larry (Hatch) Block" <larryb@hatch.senate.gov>,  
Larry Callahan <lcallagh@arterhadden.com>,  
"Larry (Hotmail) Block" [REDACTED] P6/b(6)

Harvey Zymet [REDACTED] P6/b(6)  
Brigham Cannon <Brigham\_Cannon@judiciary.senate.gov>,  
"Brett (William) Harvey" [REDACTED] P6/b(6)  
Andre LeBlanc <andre\_le\_blanc@hatch.senate.gov>

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