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## Republicans Skeptical About Obama Pledge to Consider Tort Reform

**In a bid to find middle ground on his ambitious health care reform plan, the president addressed a key Republican demand by expressing potential support for some version of medical malpractice reform, but GOP lawmakers say they want to hear the extent of the details.**

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Republicans greeted with skepticism President Obama's pledge to examine medical malpractice reform, signaling Thursday that Obama will have to take concrete steps toward reining in runaway trial costs before winning their support on health care reform.

Obama made the concession, aimed at Republicans who see tort reform as a way to drive down health care costs, during his address to a joint session of Congress Wednesday night.

In a passage that drew applause, Obama said he's directed Health and Human Services Secretary Kathleen Sebelius to "move forward" on an initiative to start "demonstration projects" in certain states.

"I don't believe malpractice reform is a silver bullet, but I've talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs," Obama said.

But Republicans said afterward they were not totally convinced.

"He did give lip service to tort reform, but we need to know if he's real serious about this," Rep. Charles Boustany, R-La., who delivered the GOP response to Obama's speech Wednesday, told FOX News. "He needs to be more definitive about what we're going to do."

Until he sees more details, Boustany said the White House does not appear to be serious "at this stage."

Republicans see medical malpractice reform as a critical way to drive down health care costs, arguing that fear of frivolous lawsuits -- and the big payouts they can award patients -- drives doctors to practice "defensive medicine." In other words, costly tests and procedures that may not be necessary but out of fear of being accused of malpractice, doctors over-test. Medical malpractice insurance has risen as a result, contributing to higher health care costs.

Rep. Jeb Hensarling, R-Texas, said he's "happy" to hear the president acknowledge tort reform, but expressed doubt that it would end up in the final product.

"What we heard last night is, 'Well, I'm at least willing to study the other idea.' It's not exactly meeting us halfway but I guess it's taking one baby step in the direction to admit that possibly, possibly there are such a thing as frivolous lawsuits," he told FOX News.

Hensarling said he has a "hard time" believing the measure will make its way into the reform package given the fact that trial attorneys are big contributors to the Democratic Party.

Former Democratic National Committee Chairman Howard Dean conceded as much at a recent town hall meeting.

"The reason that tort reform is not in the bill is because the people who wrote it did not want to take on the trial lawyers in addition to everybody else they were taking on. And that is the plain and simple truth," he said during an August event in Virginia with Democratic Rep. Jim Moran.

But it's unclear whether Obama intends to work tort reform into the bill at all. He treated his entry into the issue Wednesday night as an executive-level regulatory change, directing Sebelius to immediately work toward starting the pilot programs in individual states.

James Rohack, president of the American Medical Association, told FOXNews.com that Obama's directive is a "big deal."

"I think it's a very serious gesture," he said.

Obama has said he does not support imposing caps on malpractice awards. That announcement drew boos when he addressed the AMA, which vigorously supports tort reform, in Chicago in June.

But Rohack said the "demonstration projects" can drive down costs in other ways. Under the concept as proposed by the Bush administration, Rohack said federal grants could be given to states to set up specialized "health courts."

Another reform, he said, could be to establish more stringent witness qualifications and set up a system where doctors can apologize to patients and try to settle out of court without fear of their overtures being admissible in a trial setting.

The goal of all those reforms, Rohack said, would be to limit the success of frivolous lawsuits and drive down court costs by making the system more efficient.

Though Sebelius used to be director of the Kansas Trial Lawyers Association, Rohack said he trusts she will work with physicians and the president to enact the program.

The U.S. Chamber of Commerce also offered qualified praise for Obama.

"We are encouraged that the president acknowledges the problem of medical liability lawsuits. While his

demonstration program might be a step in the right direction, the devil is in the details. However, one thing is certain: the only way to achieve meaningful medical liability reform is through a comprehensive legislative solution aimed at reducing the soaring costs of defensive medicine," Lisa Rickard, president of the U.S. Chamber Institute for Legal Reform, said in a statement. [Advertise on](#)

But lawyers and groups that represent them, which generally downplay the impact tort reform would have on health care costs, reacted negatively to Obama's mention of tort reform.

"The pilot programs outlined by President Obama will require more detail. But the focus must be on reducing medical errors and improving patient safety. Over 98,000 people are killed every year by preventable medical errors. Reducing accountability won't improve health care," the American Association for Justice said in a written statement.

Michael Cannon, director of health policy studies at the Cato Institute, said that in the end, Obama's proposal is too mild to shake up the health care debate.

"We have demonstration projects -- they're called states. ... It's window dressing," Cannon said. "It will be so milquetoast that it won't upset the trial bar and it won't excite Republicans."

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*FOXNews.com's Judson Berger contributed to this report.*

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