

Edwards Outlines Tort and Health Care Reform

BY JOYCE FRIEDEN
Senior Editor

WASHINGTON — According to Democratic presidential candidate and malpractice attorney John Edwards, the best way to solve the malpractice insurance crisis is to put the onus on ... the lawyers.

The former senator from North Carolina spoke at the first of a series of health policy forums with presidential candidates sponsored by Families USA and the Federation of American Hospitals.

"I think that the bulk of the problem is created when cases are filed in the legal system that should never be there," he said. "The result is years of litigation and costs incurred by the health care provider that should not have been incurred. What I would do is put more responsibility on the lawyers."

In Sen. Edwards' ideal world, before a medical malpractice case could be filed, the plaintiff's lawyer would have to conduct a complete investigation, which would include independent review by at

least two experts in the field "who determine that the case is, first, meritorious, and second, serious," he said. "Then you require the lawyer to certify that that has been done as part of the filing. ... If they fail to certify, the lawyer should bear the cost. If they do it three times, it's three strikes and you're out; you lose your right as a lawyer to file these cases."

The bigger topic at the forum, though, was covering the uninsured. In February, Sen. Edwards unveiled a universal coverage plan, which calls for expanding both the State Children's Health Insurance Program and Medicaid, and for keeping Medicare in place. Em-

ployers would be required either to provide coverage to employees or to contribute to a system of regional Health Care Markets—nonprofit purchasing pools offering a choice of insurance plans. At least one of the plans would be a public plan based on the Medicare program.

Once the markets were set up and other provisions put in place—including tax credits to help people purchase policies

and limits on premium contributions for low- and moderate-income families—an individual mandate would go into effect requiring all citizens to obtain health insurance. The penalty for people who didn't sign up for coverage would likely be "losing your individual tax exemption or some [other] tax consequence for not sign-



'We're going to let Americans make [the] decision' between government-run and private health care.

SEN. EDWARDS

ing up," Sen. Edwards said at a press conference after the forum. "Anybody who comes into contact with the health care system or any public agency will be signed up. If you go into the emergency room and are not part of the system, in order to get care you will be signed up."

To help save costs in Medicare, Sen. Edwards said beneficiaries should have a "medical home" with a single provider responsible for coordinating chronic care "so we don't have overlapping care or unnecessary care." He also said that he favors three steps to lower the cost of prescription drugs in the Medicare program: using the bargaining power of government to negotiate prices with pharmaceutical companies, allowing prescription drugs to be "safely imported" into the United States, and "[doing] what we can constitutionally to control drug company ads on television."

This universal coverage plan "was not intended to take us from where we are today directly to [a single-payer system]," Sen. Edwards said at the forum. "It was intended to allow Americans to decide whether they want government-run health care, or whether they want to continue the private system they have today."

He noted that there are "real benefits to single-payer [systems]. The administrative cost associated with [government-run systems like] Medicare is 3%-4%, compared with 30%-40% profit and overhead in private insurance companies." But some peo-

ple hate single-payer systems like those in Canada and the United Kingdom, and they say that people have to wait too long for some procedures, he added.

"We're going to let Americans make that decision" by choosing which type of plan they prefer, he said. "Over time, we will see in which direction this system gravitates. It will be an extraordinary American model for what works and what doesn't work." He said that the cost of his plan was estimated at \$90 billion to \$120 billion, and that he would pay for it by rolling back tax cuts for Americans making more than \$200,000 per year.

A reporter asked Sen. Edwards about the differences between his plan and that of Sen. Hillary Rodham Clinton (D-N.Y.), another Democratic presidential candidate. Sen. Clinton released her plan in September, and it contained many provisions similar to Sen. Edwards' plan, such as an array of private plans for people to choose from as well as a public plan similar to Medicare.

"One difference [is] ... how big a priority you made this and how early you came out with a comprehensive plan," he said. "It's a huge priority to me, and I will not bend on universal [coverage]."

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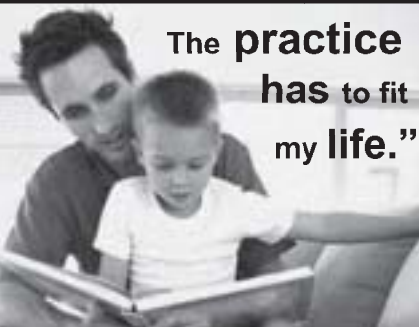
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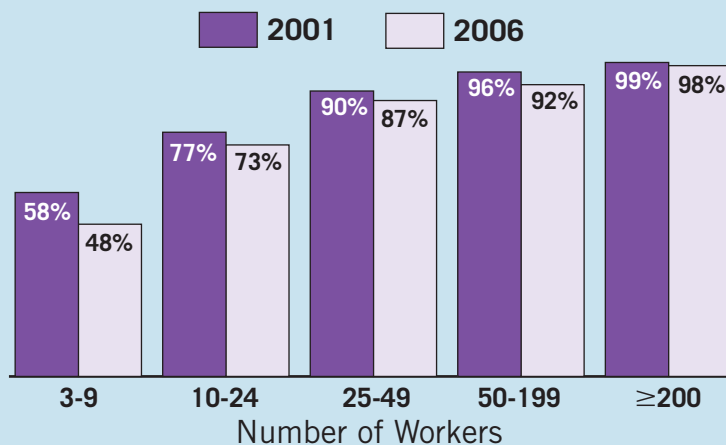
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