

# The INDEPENDENT

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## Opinion

### Cap on awards for major medical errors is wrong

When prospective parents have been eagerly awaiting their child's birth, how do you think they feel – how would you feel – when a doctor ignores, or doesn't look for, signs that the fetus is in peril? How should they feel when they find out that their brain-damaged or stillborn child is the result of a malfunctioning doctor or other practitioner?

Should those parents be limited to a maximum of \$500,000 in "noneconomic" damages, as Ballot Measure 35 would require?

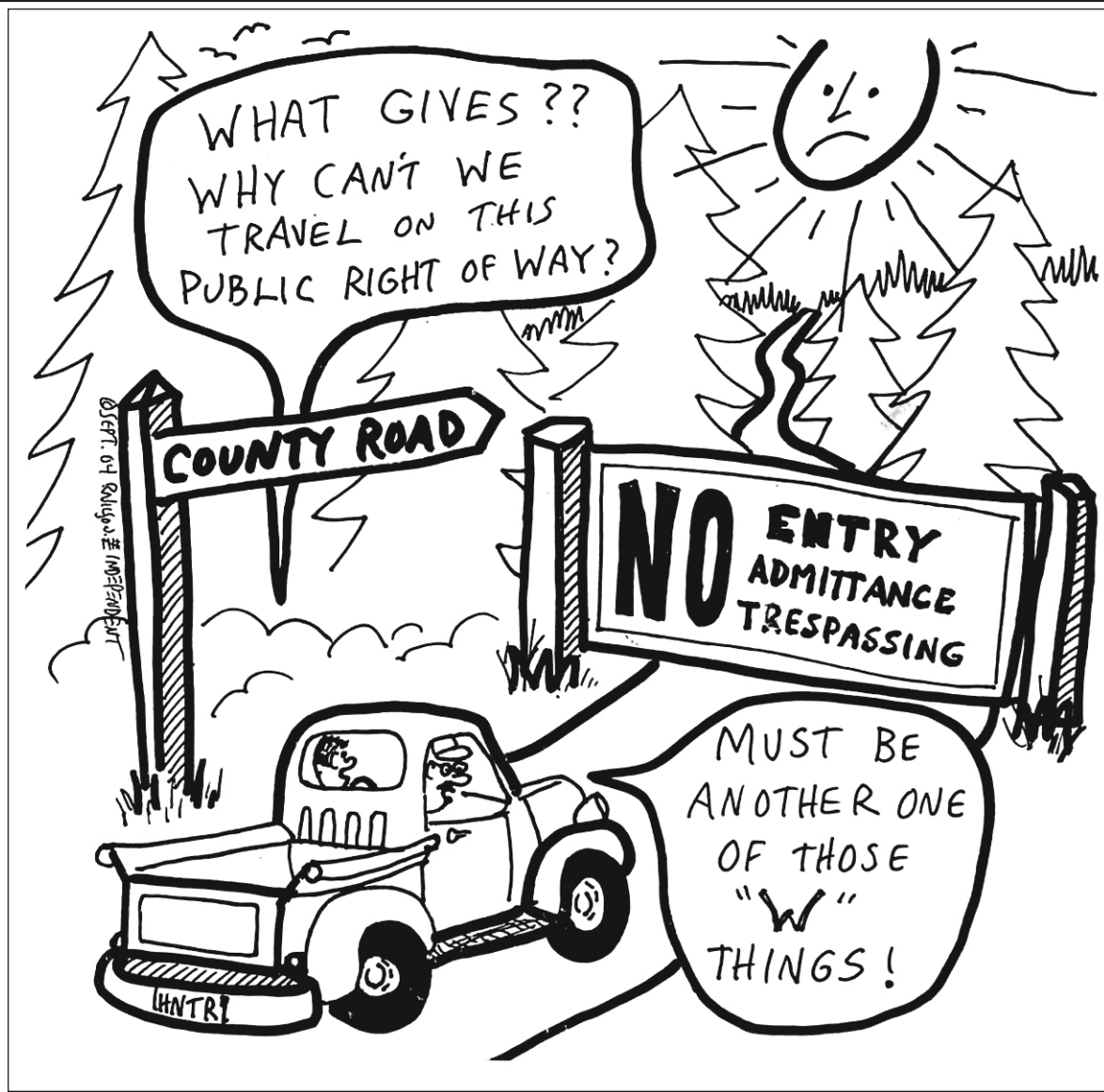
Some of the definitions of noneconomic damages in this ballot measure are "mental suffering, inconvenience and interference with normal activities." It's true that these are noneconomic, in the strictest sense, but what about where such situations overlap into economic considerations – such as how much it will cost to care for that child throughout the 30 to 50 years of its lifetime, or how much that child would have earned in a lifetime, or how the physical and emotional stress of caring for such a child will affect the parents' economic well-being.

Those campaigning in support of Measure 35 say that it will help reign in healthcare costs, a truly ridiculous statement. In fact, lawsuits from medical malpractice cases have not increased in Oregon, and limiting claims will have no impact on malpractice insurance premiums. In most states where caps have been enacted, insurance rates have increased more rapidly than in states, like Oregon, where there are no caps.

What is needed is insurance reform. Unlike other areas, the insurance industry is exempt from antitrust laws. Insurers are free to agree on prices, to raise prices in concert and to engage in other anti-competitive activities that are against the law in other industries.

A system that allows jurors to make judgements that best reflect their society may actually promote quality care, increase patient safety and reduce medical mistakes. If there is a "villain" in medical malpractice, it lies with a system that allows insurance companies, rather than health care professionals, to determine what is or isn't good medical practice.

We recommend a NO vote on Measure 35.



## Opinion

### Oregon Economy in "Serious Relapse"

An analysis of employment figures released last week suggests that Oregon's economy "had a serious relapse," according to the Oregon Center for Public Policy. Figures released September 9 by the state employment agency show that non-farm payroll in Oregon fell by 900 while unemployment increased to 7.4 percent. The Silverton-based public policy institute noted that this is the first increase in an August unemployment rate since August 2001.

"We're now 45 months and counting since Oregon's downturn began," said Charles Sheketoff, executive director of the Oregon Center for Public Policy, referring to the time since November 2000, when employ-

ment peaked in Oregon. "It took us only 20 months to pull out of the previous recession in the early 1990s," he noted.

The Oregon Center for Public Policy, a non-profit research institute in Silverton, reviewed the new jobs numbers and found that Oregon has 21,000 fewer jobs than November 2000, before Oregon started losing jobs.

Sheketoff noted that there's been a 5.8 percent growth in the working age population since November 2000. "If Oregon's job growth had kept up with the growth in our working age population since November 2000, we'd have 114,000 more employed Oregonians than we have today," said Sheketoff.

"No matter how you view the numbers, it is perfectly clear that Oregon's economy had a serious relapse last month," said Sheketoff.

"This is one more example of how the Bush Administration's 'Jobs and Growth' tax cut has failed Oregon," Sheketoff noted. "Oregon's unemployed people need public investments that create jobs and help maintain families in times of hardship, not tax cuts for the wealthy," he added.

*The Oregon Center for Public Policy uses research and analysis to advance policies and practices that improve the economic and social prospects of low- and moderate-income Oregonians, the majority of Oregonians.*

***The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.***

– James Madison. *Federalist 47*