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WEEKLY COLUMN

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Notes from the Georgia State Senate

By Senator Bill Heath

This week in the State Senate, we took up “tort reform”, possibly one of the most controversial issues we will have to face in the 2005 Legislative Session. We passed civil justice reform legislation on Tuesday in an effort to control rising insurance costs and prevent frivolous medical malpractice suits. While Senate Bill 3 drew its share of debate from various members of the Senate because of placing caps on the non-economic damages which include emotional pain, suffering and inconvenience, we still believe this is the best decision we could have made. Non-economic damages do not include medical expenses, lost wages, income, funeral or burial expenses.

Georgia is not the first state to introduce what has commonly become known as tort reform. In fact, many states have passed similar legislation and we are now playing catch up. It has become urgent for us to do something now before we, as a state, are unable to attract physicians to treat our citizens due to the skyrocketing medical malpractice premiums that doctors are forced to pay.

We have all heard stories from friends and some of us have even experienced firsthand doctors being unable to perform certain procedures or having to travel hours to the nearest specialist or obstetrician. Some doctors have even said they are losing their ability to practice good medicine because they have

resorted to practicing defensive medicine. Some obstetricians are doing what is convenient, what they are less likely to be sued for, and they also are doing what they are likely to make the most money doing. When this becomes the norm, we will all suffer.

MAG Mutual Insurance Company, the largest medical malpractice insurance company in Georgia, pledged in writing to roll back their insurance premium rates by at least 10 percent if the legislation passes and the Georgia Supreme Court upholds the new law limiting the non-economic liability. MAG Mutual estimates the savings to Georgia doctors to be about \$20 million.

While it may seem like a good idea to have an unlimited jury award, in reality our quality of healthcare is lacking in some parts of the state. We're losing obstetrician care and doctors are deciding to move to other states to practice medicine. Citizens who live in rural areas have limited or no access to specialties like neurosurgery and have to travel. In an ideal world, everyone can get a top dollar jury award in their malpractice case, but the real situation is we are losing access to health care in our state. We hope this measure offers some relief and will be a step towards improvement in healthcare for all of us.

Another issue that we may be considering soon is Senate Bill 5, which deals with the issue of eminent domain. I want assure you that I do not support the expansion of the powers of eminent domain. I do, however, support private enterprise providing some of the services that the government currently provides. I want to put your minds at ease regarding this issue, and just this week, the Senate Judiciary Committee passed Senate Bill 86. This bill *restricts* the use eminent domain powers. If it passes, it will prohibit the exercise of the power of eminent domain for the purpose of transferring condemned property to a private developer, corporation or any other private entity for the purpose of expanding the tax base or for economic development. If you are interested in reading more about Senate Bill 5, you can find it online at http://www.legis.state.ga.us/legis/2005_06/sum/sb5.htm.

Until next week....

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