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## Reducing errors key to reform

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*Guest essayist*

Health care reform must save both money and lives. Reform is necessary because the country spends an inordinate amount of money on health care, \$2.2 trillion, and still fails to cover everyone. For President Obama's health care plan to succeed, it must improve quality, cut costs and expand access to health care.

It is a fatal flaw that the current health care debate has centered on cost and access without addressing the problem of quality. The enactment of tort reform laws — all designed to reduce the number of malpractice lawsuits and cut health care costs — has now become an issue in the health care debate. However, tort reform will not cut costs until medical errors are addressed, which will substantially reduce medical malpractice suits.

In 2000, the Institute of Medicine found that about 98,000 Americans die from unnecessary medical errors, costing the nation approximately \$39 billion. Instead of adopting the IOM's suggestions to prevent errors, federal and state governments have focused on tort reform.

In 2003, Texas voters approved a plan that capped noneconomic damages at \$250,000. As a result, the number of malpractice lawsuits has been cut in half, malpractice premiums have declined by 30 percent and there has been a 30 percent increase in newly licensed physicians.

However, one in four Texans remains without health insurance, the highest percentage of uninsured in the country. Additionally, health care spending in Texas is growing faster than any state.

While the reform of state tort laws has resulted in minimal gains, the underlying problem persists. People continue to die at an alarming rate from medical errors. In August, data showed that deaths from unnecessary medical errors has increased to about 200,000, making it the third-leading cause of death in the United States. Obviously, tort reform without putting an end to unnecessary medical errors is not the answer.

For tort reform to succeed, it must address the root cause of malpractice lawsuits: the continuation of unnecessary medical errors. For example, New York requires mandatory reporting of medical errors. However, it does not use this information to regulate health care facilities or health care practitioners. And it does not disclose the information to patients.

The federal government needs to create a mandatory national medical error reporting system and adopt the state initiatives used in Michigan and other states to mandate the disclosure of medical errors.

Health care facilities and health care practitioners also should be required to apologize for errors and compensate patients or families for harm. Implementing these measures would lay the foundation for tracking and preventing medical errors, thereby making malpractice lawsuits unnecessary.

Health care reform must occur.

These state initiatives are the best models for health care reform because everyone gets what they want: reasonable insurance rates, a fair partnership between the medical profession and government, and — perhaps most important of all — better care for those patients who need a system they can trust.

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