

THE WHITE HOUSE

WASHINGTON

May 25, 1994

Anthony P. Santomauro, M.D.
Trustee, Medical Society
of the State of New York
420 Lakeville Road
Lake Success, NY 11042

Dear Dr. Santomauro:

Thank you for writing with your suggestions for malpractice reform. It was a pleasure to meet you briefly when I visited Niagara Falls.

The Clinton Administration shares your concerns about the current malpractice system. When submitted to Congress, the President's proposal for health care reform did not include a standard of proof for all medical malpractice cases. However, the President's plan takes federal action to reduce frivolous lawsuits while protecting patients' rights.

The President's proposal establishes an alternative dispute resolution process to resolve malpractice claims in a fair, efficient, timely and affordable way. An individual may bring a case to court only after participating in the process. In addition, before filing a lawsuit, a lawyer must obtain a "certificate of merit" certifying that there is reasonable cause for filing an action.

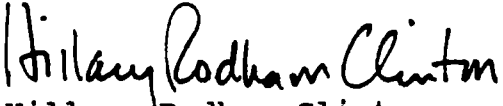
The Clinton plan also limits attorney contingency fees to one-third of an award and allows states to impose even lower caps. In addition, damage awards must be reduced by the amount of any collateral source of compensation -- such as health or other insurance -- for the same injury, thereby preventing claimants from recovering more than once. The plan also permits damage awards to be paid by a defendant over a period of time.

Finally, the President's plan includes pilot projects. One program releases defendants from malpractice liability if it is demonstrated that they followed appropriate clinical practice guidelines. Another pilot program substitutes liability of the health plan in which a physician practices for the liability of the individual in malpractice cases.

Anthony P. Santomauro, M.D.
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I very much appreciated hearing your recommendations. The Administration shares your view that medical malpractice reform should be an integral part of national health care reform. Thank you again for your letter.

Sincerely yours,


Hillary Rodham Clinton

cc: The Honorable John J. LaFalce

JOHN J. LAFALCE
28TH DISTRICT, NEW YORK

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November 29, 1993

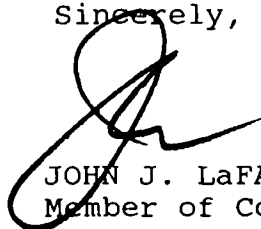
Mrs. Hillary Rodham Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mrs. Clinton:

Enclosed is a letter I am forwarding to you from Dr. Anthony Santomauro, who met you briefly during your visit to Niagara Falls. Dr. Santomauro had some additional thoughts on medical malpractice reform that he wanted me to share with you.

Thank you so much for your attention to this matter. With kind regards, I am

Sincerely,



JOHN J. LaFALCE
Member of Congress

L:bb
Enclosure

**MEDICAL SOCIETY OF THE STATE OF NEW YORK**

420 LAKEVILLE ROAD, LAKE SUCCESS, N.Y. 11042 (516) 488-6100

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November 11, 1993

Mrs. Hillary Rodham Clinton
Chair, President's Task Force on
National Health System Reform
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mrs. Clinton:

It was indeed a pleasure to meet you on Friday, November 5, 1993 at the Niagara Falls Convention Center through the efforts of Congressman John LaFalce. When we met, I mentioned to you that I have some specific ideas on the President's health reform package with regard to tort reform. In turn, you asked that I share them with you.

In an effort to reduce costs, get the appropriate awards to the injured parties, and sanction those physicians found guilty of malpractice, I would propose shifting the standard of proof under which these cases are presently tried from the "fair preponderance of the evidence" to the more stringent "clear and convincing evidence" standard. I firmly believe this would go along way in resolving the present medical liability crisis. My second, and equally important, suggestion is to implement a reasonable cap on non-economic awards.

Organized medicine is committed to reforming the present health care system. I feel confident that improving the tort system would go a long way in this regard.

Should you wish further details I would be happy to supply them.

Very truly yours,

Anthony P. Santomauro, M.D.
Trustee, Medical Society
of the State of New York

APS:ac

THE WHITE HOUSE

July 15, 1994

Ms. Doreen M. Enman
1203 15th Street
Niagara Falls, NY 14301

Dear Ms. Enman:

Thank you for writing to share with me your husband's experience. Too many Americans today are spending more and more of their hard earned savings while getting less and less of the health care they need.

As you pointed out in your letter, Medicare currently does not cover prescription drugs. Under the President's plan for health care reform, a new prescription drug benefit is provided to fill this gap in the health security of older Americans. Individuals on Medicare will pay 20 percent of the cost of a prescription after reaching a \$250 deductible. Out-of-pocket costs for prescription drugs will be limited to \$1,000 per year.

The President's plan also includes a long-term care program for older Americans and the severely disabled. The plan will provide long-term care options not available to individuals today, particularly home and community-based care. Under the

Ms. Doreen M. Enman
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plan, individuals will pay coinsurance to cover a portion of the cost of services, based on a sliding scale. This could enable 2.2 million older and disabled Americans to live at home rather than in institutions while receiving the long-term supports they need. Additional long-term care options, including an increase in the amount that Medicaid recipients in nursing homes may retain for living expenses as well as tax incentives to make private long-term insurance more affordable, will enable all Americans to better protect themselves against the high cost of long-term care.

Thank you again for taking the time to share your concerns. Stories like yours constantly remind me of the real need for health reform. I look forward to continuing to work in the coming weeks to make health security a reality for all American families.

Sincerely yours,

A handwritten signature in black ink that reads "Hillary Rodham Clinton". The signature is written in a cursive, flowing style.

Hillary Rodham Clinton

cc: The Honorable John J. LaFalce

THE WHITE HOUSE

WASHINGTON

March 9, 1994

The Honorable John J. LaFalce
U.S. House of Representatives
Washington, D.C. 20515

Dear John:

Thank you for forwarding Dr. Doris Rapp's book Is This Your Child?, and the accompanying video. Her extensive research and writing on children with unrecognized allergies is very interesting. The individual case histories laid out in the book illustrate the need for a focus on preventive health care as well as treatment. Emphasizing primary and preventive health care, especially for children, should lead to improved health and decreased health care costs over time.

Under the Health Security Act, the comprehensive benefit package includes a broad range of preventive services. In addition, health plans may offer health education and training classes, including nutrition counseling. The Act also includes a comprehensive school health education program to address nutritional health.

One of the fundamental goals of health care reform is to ensure that all children get the primary and preventive care that they need to be healthy and productive. I look forward to working with you in the coming weeks as Congress considers the Health Security Act.

Sincerely yours,



Hillary Rodham Clinton