

IN BRIEF

HOUSE PASSES BILL H.R. 1215 THAT DECIMATES PATIENTS' RIGHTS



a hospital, nursing home or health care provider in a lawsuit against a drug manufacturer regarding an unsafe drug, even if the provider negligently prescribed or dispensed the drug and is jointly responsible for causing injury or death.

Medical malpractice, product liability, and other areas of tort reform have been traditionally and successfully regulated by state law for decades. The civil justice system gives families of patients who have died or have been injured by medical negligence an avenue to seek accountability.

H.R. 1215 was referred to the Senate for a vote at the end of June but the Senate has not yet voted on this bill. If you don't want Congress to deny you the right to hold the parties that harmed you or your loved ones accountable, we urge you to contact your Senators today and ask them to vote no on offensive bills like H.R. 1215 that restrict your rights to access the civil justice system.

LEARN MORE - FIND OUT HOW YOU CAN TAKE ACTION

Find contact information for your local senators and representatives by going to www.govtrack.us/congress/members and entering your mailing address. You can also track bills by subject or keyword and receive alerts when legislation you are interested in is introduced or moves through the House and Senate.

In June 2017, the House narrowly passed H.R. 1215 "Protecting Access to Care Act of 2017." Despite its name, this bill does nothing to promote access to safe, affordable health care. The act is intended to apply to patients receiving health care benefits through federal programs such as the Veterans Administration, Medicare, and Medicaid. The proposed law also applies to a broad range of claims including injuries caused by medical negligence, defective medical devices, dangerous pharmaceuticals, and nursing home neglect and abuse. H.R. 1215 forces application of a federal cap of \$250,000, however, juries will not be informed of the cap at trial. In addition, it imposes a federal statute of limitations which is more restrictive than the majority of state laws. Finally, it proposes a ban on including

The attorneys and staff at Alley, Clark & Greiwe would like to wish you and your family a joyous holiday season.



NEW INVESTIGATION SHOWS FLORIDA RARELY PUNISHES DOCTORS SUED FOR MALPRACTICE



Doctors and their insurers are required to report all closed federal and state malpractice lawsuits - no matter the outcome of the lawsuit - to the Florida Office of Insurance Regulation, which then forwards case information to the Florida Department of Health. The Florida DOH is mandated by law to review every closed malpractice lawsuit filed against doctors to identify, track, investigate, and punish Florida doctors who have a pattern of serious disciplinary issues.

However, according to the results of a new investigation published on November 19th in South Florida's Sun Sentinel, Florida health officials filed

disciplinary charges in only 128 cases out of 24,000 closed state and federal lawsuits against doctors during the last 10 years. Some cases involved doctors with multiple claims and the Department of Health received early warnings, yet took little or no action. Multiple claims against a physician warrant closer attention, and the lack of action by the state officials in some cases is very troubling. Investigations in 2017 by the Sun Sentinel and by Health News Florida highlight some of the following cases:

- A surgeon in South Florida paid out nearly \$3 million in 5 medical malpractice lawsuits over a 5-year period. Patients accused him of slicing an aorta while trying to remove a gallbladder, cutting an artery to a liver, and connecting a woman's rectum to her vagina. State officials never took action against him.
- A St. Petersburg surgeon has a history of 14 malpractice payouts since 2000. The 14 settlements include six patients who died during or after surgery. The surgeon is still operating with a clear Florida medical license. He had one disciplinary case 10 years ago and he paid a fine.
- A Board-certified OB-GYN in Miami was accused of causing serious and permanent injuries to three newborns in 2013. He was an on-call doctor for clinics providing care to low-income and uninsured patients. During one of the births, the physician failed to perform a c-section, walked away for long periods to deliver another baby, and talked on the phone with his stockbroker. A second baby was brain damaged and the third disabled for life. No disciplinary action has been taken against his state medical license.

A review in the *New England Journal of Medicine* in 2016 found a small number of physicians with distinctive characteristics accounted for a disproportionately large number of paid malpractice claims. If claim-prone physicians account for a substantial share of all claims, the ability to identify them at an early stage may help improve care. Citizens can learn if their doctor has settled malpractice claims from the Florida Office of Insurance Regulation website at: <https://apps.fldfs.com/PLCR/Search/MPLClaim.aspx>. However, the database is not complete since doctors who self-insure may fail to report documented payments.

If you believe that you or someone you love have been harmed by medical negligence, please contact the experienced lawyers at the law firm of Alley, Clark & Greiwe. There is no charge for our legal consultation. Our medical negligence attorneys are Board-certified civil trial attorneys and have been recognized by the legal community for their experience in litigating these types of claims.

LEGAL RECOGNITIONS

We are proud to be included in the *U.S. News and Best Lawyers*® 2018 "Best Law Firms" rankings for another consecutive year. **Alley, Clark & Greiwe** received four "Tier 1" rankings in the Tampa Metropolitan Area in the following practice areas: **Medical Malpractice Law, Personal Injury Litigation, Mass Tort Litigation/Class Actions, and Product Liability Litigation.** Firms included in the 2018 "Best Law Firms" list are recognized for professional excellence with consistent impressive ratings from clients and peers. If you or someone you love has been injured, please contact us today for a free consultation and more information about your legal options. We would feel privileged to assist you.



Four Tier 1 Rankings (Tampa)

3 Partners Named to *The Best Lawyers in America*®

"Lawyer of the Year" in Product Liability Law (Tampa)

35+ Years Average Experience



PRODUCT LIABILITY PRACTICE AREAS



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