

# IN BRIEF

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## Tort Reform and Health Care – What You Need to Know

The public debate on legal reform is raging again with politicians, insurance companies, and medical associations lobbying to include medical liability reform as part of future health care legislation. Some of the tort reform measures being advocated as “fairer and faster” may have very detrimental effects on a person’s ability to sue for damages that result from negligent medical care. Tort reform could significantly limit, if not eliminate, your fair chance to receive justice through the legal system. As a result, the harsh reality is that if you or a member of your family are injured or die as a result of medical negligence, you could lose your constitutional right to a trial by jury.

Proponents of tort reform legislation contend premiums for medical malpractice will be lowered and high-cost diagnostic procedures and other services will be reduced because providers will have fewer liability concerns (so-called “defensive medicine”). What’s not being said is that the rates for physicians’ 2009-2010 liability insurance premiums decreased or remained stable for the large majority of doctors, and medical malpractice insurance companies have faced reduced income from their investments and other factors in the insurance market.

The recent Congressional Budget Office (CBO) report estimates that the direct costs medical providers will incur in 2009 for medical malpractice claims make up only about 2% of total health care costs. Obviously, limiting patients’ legal rights to sue will do nothing to fix the problem with our health care system. Medical malpractice laws exist to allow patients to sue for damages for negligent health care, and medical studies indicate that tort reform may actually have adverse effects on patient health and mortality rates.

*“There is less evidence about the effects of tort reform on people’s health, however, than about its effects on health care spending – because many studies of malpractice costs do not examine health outcomes.”*

*Source: Congressional Budget Office, October 2009*

It is very important that you please consider contacting your local congressional representatives about your objection to tort reform in future health care legislation. You may visit [www.usa.gov](http://www.usa.gov) for direct links to email and postal addresses of your local legislative representatives.

Please visit us on the web: [www.tampatriallawyers.com](http://www.tampatriallawyers.com)



## YASMIN/YAZ ORAL CONTRACEPTIVES

Since its release on May 11, 2001, Yasmin has been one of the most popular oral contraceptives with sales topping \$570 million in 2007. Together, sales for Yasmin and Yaz (both manufactured by Bayer) totaled over \$1.2 billion in 2008. A generic version of Yasmin named Ocella was released in 2008. These birth control pills differ from all other oral contraceptives because they contain drospirenone. Drospirenone causes elevated blood levels of potassium which may lead to serious health problems. In fact, Yasmin and Yaz have been under heavy scrutiny for possible links to serious side effects including stroke, pulmonary embolism, deep vein thrombosis (DVT), heart attack, possible gall bladder problems, and even death. Television and print ads for Yasmin and Yaz have resulted in several warnings from the FDA because the manufacturer exaggerated the benefits and downplayed the many potential complications. Earlier this year, Bayer agreed to spend \$20 million to correct misinformation in prior direct-to-consumer advertisements. Bayer also agreed to submit future Yaz ads to the FDA for approval prior to their release.



Recently, several product liability lawsuits have been filed throughout the U.S. on behalf of women who have developed serious medical problems after using Yasmin and Yaz. All of the lawsuits have been consolidated under MDL 2100 in the U.S. District Court for the Southern District of Illinois. If you or someone you love have developed a pulmonary embolism or deep vein thrombosis while taking Yasmin, Yaz, or Ocella, please contact the attorneys at **Alley, Clark & Greiwe** to learn more information about your legal rights.

## MENTOR OB TAPE VAGINAL SLING

In 2003, Mentor Corporation introduced the Mentor ObTape device, a transoburator vaginal sling. This mesh tape product was surgically implanted in thousands of women across the United States between 2003 and 2006. The sling provided support to eroded or weakened muscles that controlled the flow of urine. Unlike similar vaginal sling devices, the Mentor ObTape device was made from small pored, non-woven fibers. The defective design of Mentor ObTape prevented vital nutrients and oxygen from reaching the surrounding tissue, thereby increasing the likelihood of infection, extrusion, and vaginal erosion. An unreasonably high number of patients experienced serious medical problems including complete extrusion of the device through the vaginal wall, extreme vaginal pain, infection, perforation, and vaginal erosion. A significant number of women have been forced to undergo multiple surgical procedures to remove the device and repair vaginal scarring and have endured considerable mental and physical pain and suffering.



Mentor stopped marketing the ObTape device around March of 2006 because of the high number of serious medical complications being reported. However, Mentor never provided adequate warnings or information to patients or their physicians, and physicians continued to implant the product since it was never recalled. A number of women across the U.S. have filed lawsuits for serious injuries associated with this defective medical product. If you or a loved one have been implanted with a Mentor ObTape device, please contact our office for a free consultation regarding your legal rights.

## HOT TOPICS - WHAT YOU NEED TO KNOW

### MEDICATION ERRORS – ONE OF THE MOST COMMON MEDICAL MISTAKES

Medication errors are one of the most common types of medical mistakes harming at least 1.5 million people in the U.S. every year and resulting in billions of wasted dollars in excess medical costs. Our firm has seen a steady increase in the number of clients who have suffered serious injuries or even death as a result of medication errors. Although a number of new computerized safety measures are being incorporated by hospitals and medical providers to reduce the high number of medication errors, much remains to be done to keep patients safe.

Medication errors can arise from human error (such as doctor's illegible handwriting or similar-looking drug packaging), or simply from a breakdown in

the health care system. Also, there is growing unease in the way that free drug samples are distributed to patients. Even if some information is given to the patient, drug samples seldom include detailed information about potential harmful drug interactions or warnings, much less instructions on how the drug should be taken. Most experts believe that a strong partnership between health care providers and patients is the most important step to reducing medication errors, but we see time and again that does not always happen.

If you or a loved one have been seriously injured as a result of a medication error, please contact **Alley, Clark & Greiwe** for important information regarding your legal rights.

### Simple Steps To Help Prevent Medication Errors:

- Carry your current, accurate medication list including dosage information in your wallet. Include any over-the-counter medications and herbal or dietary supplements on the list.
- In the hospital, ask (or have a relative or friend ask) the name and purpose of each drug you are given. Be sure your discharge instructions include the correct medications.
- Every time you are given samples or written a new prescription, share your current medication list with your doctor.
- Question the potential for drug interactions with your doctor and pharmacist.
- Be sure you understand the directions for taking any medications including the correct dosage, storage requirements, and any special instructions.
- Ask your doctor to tell you the name of any new drug, the correct dosage, and its use.
- Always ask questions if the name and appearance of the drug or directions for taking the drug is different from what you expected.
- Discuss any drug allergies with your doctor and pharmacist before taking a new prescription.



***Moving Soon? Please be sure to keep us updated with any changes to your address or phone numbers.***