

UPDATE

neurosurgery

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Congressional Budget Office Confirms Medical Liability Reform Will Save Billions

Nation's Neurosurgeons Urge Congress to Heed CBO's Landmark Findings and Include Proven Reforms in Healthcare Overhaul Legislation

(Washington, DC) –The nation's neurosurgeons are urging lawmakers to pay close attention to the newly released findings of the nonpartisan [Congressional Budget Office](#) (CBO) which confirm that medical liability reform does indeed reduce the use of healthcare services and will save the system money. In an [October 9, 2009 letter](#) to [Senator Orrin G. Hatch \(R-UT\)](#), CBO Director Douglas W. Elmendorf stated that a comprehensive set of tort reforms will reduce the nation's deficit by \$54 billion over 10 years. The [American Association of Neurological Surgeons](#) (AANS) and [Congress of Neurological Surgeons](#) (CNS) point to these significant CBO findings as even more evidence that proven medical liability reforms are an essential component to healthcare reform legislation.

“We cannot have meaningful healthcare reform in this country if the final plan doesn't include concrete measures to ease the burdens of medical liability,” states **Troy M. Tippett, MD**, President of the AANS. “It's a sad reality that our doctors do a delicate balancing act of choosing what's best for patients while also trying to deflect frivolous lawsuits. It has created an unwinnable cycle of unnecessary tests and procedures and costs which are spiraling up and out of control. The time to set our healthcare system right again is now and these CBO findings show that we literally can't afford not to take action.”

The tort reforms identified by CBO as contributing to these significant savings include:

- A cap of \$250,000 on awards for noneconomic damages;
- A cap on awards for punitive damages of \$500,000 or two times the award for economic damages, whichever is greater;
- Modification of the “collateral source” rule to allow evidence of income from such sources as health and life insurance, workers' compensation, and automobile insurance to be introduced at trials or to require that such income be subtracted from awards decided by juries;
- A statute of limitations—one year for adults and three years for children—from the date of discovery of an injury; and
- Replacement of joint-and-several liability with a fair-share rule, under which a defendant in a lawsuit would be liable only for the percentage of the final award that was equal to his or her share of responsibility for the injury.

P. David Adelson, MD, President of the CNS, cautions, “Defensive medicine comes with a high price tag for the country and all patients. As the nation's brain and spine surgeons, every single day we stand on the ‘front lines’ of this ongoing health battle, and we cannot stress enough to lawmakers how crucial it is that their final piece of health reform legislation incorporate comprehensive medical liability reforms such as those outlined in the CBO report.”

For more information on the position of AANS and CNS on healthcare reform issues, visit:

http://www.aans.org/legislative/aans/Neuro_HealthCareReform.asp or

<http://www.cns.org/advocacy/wc/nsHealthcareReform.aspx>.

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The American Association of Neurological Surgeons (AANS), founded in 1931, and the Congress of Neurological Surgeons (CNS), founded in 1951, are the two largest scientific and educational associations for neurosurgical professionals in the

world. These groups represent approximately 7,600 neurosurgeons worldwide. Neurological surgery is the medical specialty concerned with the prevention, diagnosis, treatment and rehabilitation of disorders that affect the entire nervous system, including the spinal column, spinal cord, brain and peripheral nerves. For more information, please visit www.aans.org or www.cns.org.