



# MAJORITY REPORT

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## *From the desk of the Majority Leader*



When dealing with legislation throughout this session, the Majority Office has asked our Republican members to remember the goals and objectives that we all agreed upon back in January. That is exactly what I am asking you to do with regard **SB 214** when it comes to the floor of the House on Wednesday, June 8.

As you may recall, one of our major goals at the beginning of the session was to provide better access to quality health care and prescription drugs at affordable prices; Medicaid reform; review and possibly revise SB 110; **and tort reform.**

It is important that we all listen closely to the debate on **SB 214**, relative to screening panels for medical injury claims. The malpractice insurance crisis pits doctors against trial lawyers—physicians against malpractice attorneys all across the state.

Without meaningful tort reform like **SB 214**, medical specialists will continue to disappear

from the state or stop performing high-risk procedures. NH patients should not have to drive to Boston for quality speciality care.

Medical malpractice cases would go before a three-person panel to evaluate the merits of the claim. If the parties were then unable to settle their claims following a panel hearing, they would then proceed to trial.

This legislation is modeled after the State of Maine's pretrial screening law. Their medical liability insurance rates are 30% to 40% less than those in NH. SB 214 will work for the benefit of NH citizens because it has been working in Maine for the past 20 years. The legislation will stabilize rates, making it easier to recruit and retain needed medical specialists.

Most importantly, it does not restrict anyone's right to a jury trial. Pretrial panels help plaintiffs with smaller cases because panel expenses are less.

*(continued on page 2)*

### **SB 214-As introduced**

- 3-Person panel made up of a judge, lawyer, and doctor.
- Mini Trial held.
- Panel has clear guidelines to determine their finding upon.
- Burden of proof higher—"preponderance of the evidence."
- Panel findings, if unanimous, are given to the jury, if it goes to trial.

### **Committee amendment**

- Similar panel.
- Evidence submitted for review—offer burden of proof.
- Lower burden of proof—"evidence is sufficient to raise a legitimate question of liability."
- Require mediation.
- Findings are **not** admissible in court.



—Desk (continued from page one)

Only unanimous decisions by the panel are admissible in any future trial.

I ask that you please take a look at the comparisons of **SB 214**, with and without the amendment, make your decision, and then help us to pass tort reform that will be beneficial to our constituents.

We will also be asked to debate and vote on **SB 125**. Once again we ask you to **support the Republican committee leadership** and their minority amendment, which will correct the problems created by **SB 110**. By acting on **SB 125** and sending meaningful legislation to the governor’s desk, we will be fulfilling one of our major goals of reviewing and revising **SB 110**.

Legislation revising the nurse practice act, **SB 170**, came out of the Executive Departments and Administration committee **OTP with amendment, 14-0**. We ask that you support the committee on the floor of the House.

I would also like to remind you to make sure that you need to fill out the **Statement of Financial Interests for Gifts, Testimonials, Honorariums** (RSA 15-B) and return in to the Secretary of State’s Office by June 15.

We have also opened a Majority Office work station and meeting room in Room 122 of the State House. There will be computer stations setup for our members to use during the day. The room will also be available for meetings. We will continue to maintain our Majority Office coffee room on the third floor of the State House. As always, our doors are open to you at anytime to discuss issues.

With the June 8th session set for 10:00 a.m., we look forward to seeing you all at our Republican Caucus at 9:15 a.m. in Representatives Hall. Have a great weekend.

### SB 125-FN

Repealing health status and geographic location as small group rating factors, and clarifying certain other issues relating to small group insurance. It came out of the **Commerce committee** OTP, 12-8. The **Majority Office opposes** the committee report and **supports the Republican committee leadership and the Minority Amendment** because it **corrects** the problems created by SB110. Under this amendment:

- New companies will be encouraged to stay, while other health insurance companies will find it attractive to do business here.
- The highest paid premium may not be higher than 4-times the lowest paid premium, contrasting the current 12:1 ratio.
- Rates may **not** increase more than 15 percent per year.
- The State would save \$250,00 on its Employee Health Plan in the 1st year, and up to \$500,000 by the 4th year by eliminating the reinsurance mechanism.

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