

About two decades ago I moved with my family to Zürich, Switzerland to begin a new job. In order to get things going in my host country I asked, among other things, how much malpractice insurance I might need in order to be covered as a pastor. The Swiss person helping me looked at me like I was from Mars, then asked, "Why would a Pastor need malpractice insurance?" I explained there had been some landmark lawsuits against pastors in California. He laughed and was aghast at the concept that someone who tries to help people could become the target of a lawsuit from that same person. So, I went without insurance: saving money because the Swiss are a lot less litigious than Americans!

There are a number of propositions on the California ballot Tuesday; few could be more important than Proposition 46. This proposition looks like a good idea at first glance because it proposes to do drug testing on doctors. I don't know what percentage of doc's actually use or abuse drugs. In my experience, it is a lot lower than the national average, certainly lower than the Humboldt County average. But the drug testing is a red herring. The real intent of Prop. 46 is to raise the MICRA (Medical Insurance Compensation Reform Act) limit of \$250,000 to 1.1 million. Now the 250k limit is ONLY for non ECONOMIC damages: things like pain and suffering. Why? raise the limit? In my view, so that lawyers can make a lot more money in lawsuits against doctors.

Here is what concerns me. From what I can gather, the average physician in our county pays a premium of around 20,000 dollars per year in order to be insured against medical malpractice. If Prop. 46 passes those premiums are going to go up: way up. Some physicians in states where there are no MICRA laws can pay six times what physicians pay here. Put simply, our medical costs will increase if Prop. 46 passes. I think medicine costs enough, without allowing the lawyers to get a bigger piece of the pie when doctors make alleged mistakes. I've spoken to several doctors about this, and one prominent local physician said if Prop. 46 passes, "I would just quit."

After 3 ½ years in Switzerland we ^{and} moved to California where I soon went with my 2 kids to the indoor pool at Arcata. My kids ran around the pool as they had in the Swiss community pools; soon, the lifeguard's whistles began blowing. In Switzerland if your kid gets hurt at the local pool or Schwimmbad, it's your fault, not the lifeguard's. In fact, at most swim places there were no lifeguards and nobody blowing a whistle at children for running around the water.

No surprise, that the Swiss do not sue their doctors like we do. Keep in mind, Switzerland is a very expensive country in which to live, except for medical costs, which are significantly lower than in the United States. Do you think the fact that we have about 30% of the world's lawyers has anything to do with our higher medical costs? I think it does, and I think voting no on Prop. 46 Tuesday will help keep the lawyers at bay and medical costs down.

This has been Dan Price for Community Comment