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## Be Careful What You Wish For

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The story of Frank Cornelius is like that of many thousands of patients who are killed or injured each year as a result of medical negligence. In the early 1990s, after several shattering incidents of malpractice, Frank was catastrophically and permanently disabled, confined to a wheelchair and unable to even breathe without a respirator. His daily life became consumed with constant pain. His medical expenses and lost wages amounted to more than \$5 million.

While similar to the cases of many who suffer as a result of negligence by hospitals, doctors and other health-care professionals, Frank's case was different in one utterly tragic respect. As a lobbyist for Indiana's insurance industry, Frank had helped obtain passage of the very law that now prevented his obtaining anything close to adequate compensation for his ruined life, limiting damages to one-tenth of his costs and barring him from receiving any compensation at all for his pain and suffering.

Of his role securing passage of that law, Frank later wrote, "I rue that accomplishment." Before his tragic death in 1996, Frank worked to make sure that no other legislative body repeated Indiana's mistake.

But now, insurance companies have geared up around the country to convince lawmakers to do just that. They say premiums for doctors and hospitals are too high, and the only way to lower rates is to take away the rights of the sick and injured.

Gov. Jeb Bush appointed a task force to present a medical malpractice proposal to the Legislature. Bush and legislative leaders have said they will push for tort reform. But the overwhelming evidence suggests that not only will such laws have terrible consequences for many innocent people, they will do nothing to improve the affordability and availability of insurance.

Insurance companies are raising rates not only for doctors, but also for homeowners, motorists and other policyholders around the country. State Farm recently won rate increases up to 86 percent and other companies will follow. This is the predictable pattern whenever the economy weakens and interest rates drop. Insurers, who make most of their money from investment income, always respond to deteriorating economic conditions the same: huge rate hikes, policy cancellations and threats to abandon states altogether. Insurers have done this three times in the last 30 years - in the mid-1970s, again in the mid-1980s and now today.

Each time rates begin to skyrocket and professionals and businesses complain, the insurance industry tries to cover up its own mismanaged underwriting practices by blaming lawsuits and the legal system - even though lawsuits and the legal system are clearly not to blame.

Unfortunately, blaming the legal system for these dramatic fluctuations in insurance company income contributes to a political environment in which the people's legal rights are jeopardized. The last 30 years illustrate that legislators are more tempted to restrict patients' rights when insurance rates rise, as they did in Indiana in the 1970s. Legislators often succumb to insurance

industry pressure to restrict patients' rights rather than focusing on real solutions that would control excessive pricing and even out the cyclical nature of the insurance business.

Lawmakers and the public were duped by the insurance companies in the '70s, and again in the '80s. Will we fall for it again today?

Fortunately, a new grass-roots coalition, Americans for Insurance Reform, is continuing Frank Cornelius' truth-seeking work. AIR, made up of 100 consumer groups representing more than 50 million people, is fighting back against the insurance companies in order to protect the public interest.

AIR is fighting for effective insurance industry reforms to control skyrocketing insurance rates and other insurance industry abuses. With this in mind, AIR has asked state insurance officials to deny insurance company requests for excessive rates, to establish regulatory reforms to assist those who are being price-gouged, and to require insurance companies to adopt more responsible business practices that will have the effect of preventing these kinds of sharp ups and downs of the insurance cycle.

AIR also aims to educate the public and lawmakers about how the insurance industry manufactures "crises" to push for restrictions on our legal rights. As Frank Cornelius' story tragically shows, our lives can be destroyed overnight as a result of medical malpractice. The law needs to be there for everyone, should we ever need it.

To find out more about AIR's work, visit the Web site [www.insurance-reform.org](http://www.insurance-reform.org).

NOTES: SATURDAY FORUM