

Experts say rulings force obstetricians to 'play God'

United Press International
SAN FRANCISCO — The advancement of medical technology allowing doctors to detect defects in unborn children also forces them to "play God" under a recent ruling by the California Supreme Court, legal medicine experts say.

"If you look at what God used to do, namely, take care of the problem (through miscarriage or living life with a deformity), and that's left to doctors now, then doctors are playing God," said San Francisco attorney Allan D. Jergesen, who specializes in medical law.

"The real ethical dilemma comes from deciding what to do when tests show a deformity in the fetus."
On May 3 the court ruled that Joy Turpin, 4, who was born deaf, had the right to sue her parents' doctor, Adam J. Sortini, for being born. Before Joy's birth, Sortini told the Turpins their first daughter's deafness was not genetic and they would not likely produce a second deaf child.

Joy, like her sister, Hope, is deaf. The Turpins said if they had known they had a one in four chance of producing another deaf child, they never would have conceived Joy.

"The actual fact that the child was born is the injury," Jergesen said. "You don't need to have a defective child for this. You can have a healthy baby boy or girl and still have a case in this

(wrongful birth) area of the law."

For example, if a woman has had a tubal ligation and believes she can no longer become pregnant, and then she finds herself pregnant because of negligence on the part of the doctor who performed her sterilization, she can sue him for wrongful birth — even if the baby is perfectly normal.

The question of wrongful birth — suits brought by parents who claim their doctors' negligence caused their child to be born — is "scarcely controversial," Jergesen said.

Appellate courts in 10 states consistently have ruled parents should be able to recover damages in the event a doctor's negligence allowed a child to be born, where, if the doctor had provided due care, the child would not have been born.

Typically, the damages in wrongful birth cases include the extra costs of rearing a disabled child and compensation for physical and mental pain and suffering, although calculating the

damages is difficult.

The case of Turpin vs. Sortini, in which the deaf child sought damages for herself, constitutes wrongful life. And unlike the generally accepted wrongful birth suits that have sprung up since 1975, it is quite controversial.

The Turpin case was a joint action — wrongful birth brought by the parents and wrongful life brought by the child.

In the wrongful birth suit, the parents proved negligence on the part of Dr. Sortini and won the right to sue for the extra costs of raising a deaf child. Joy, who won the right to sue for wrongful life, probably will receive no money because double recovery of damages is unlawful.

Dr. David Rubsamen, a con-

sultant on legal medicine, said in the Professional Liability Newsletter that the wrongful life action is important only if the parents happen to die.

The irony of the modern-day technology, which allows doctors to determine whether a fetus is healthy, is that it increases the probability of malpractice suits.

"It is ironic that the medical advances which save so many lives and prevent so much disability would contribute substantially to the rapidly growing problem of obstetrical malpractice," Rubsamen said. "California has a large coterie of malpractice attorneys. And the public is looking upon doctors as people who can make mistakes while holding them to high standards — sometimes higher than reasonable."

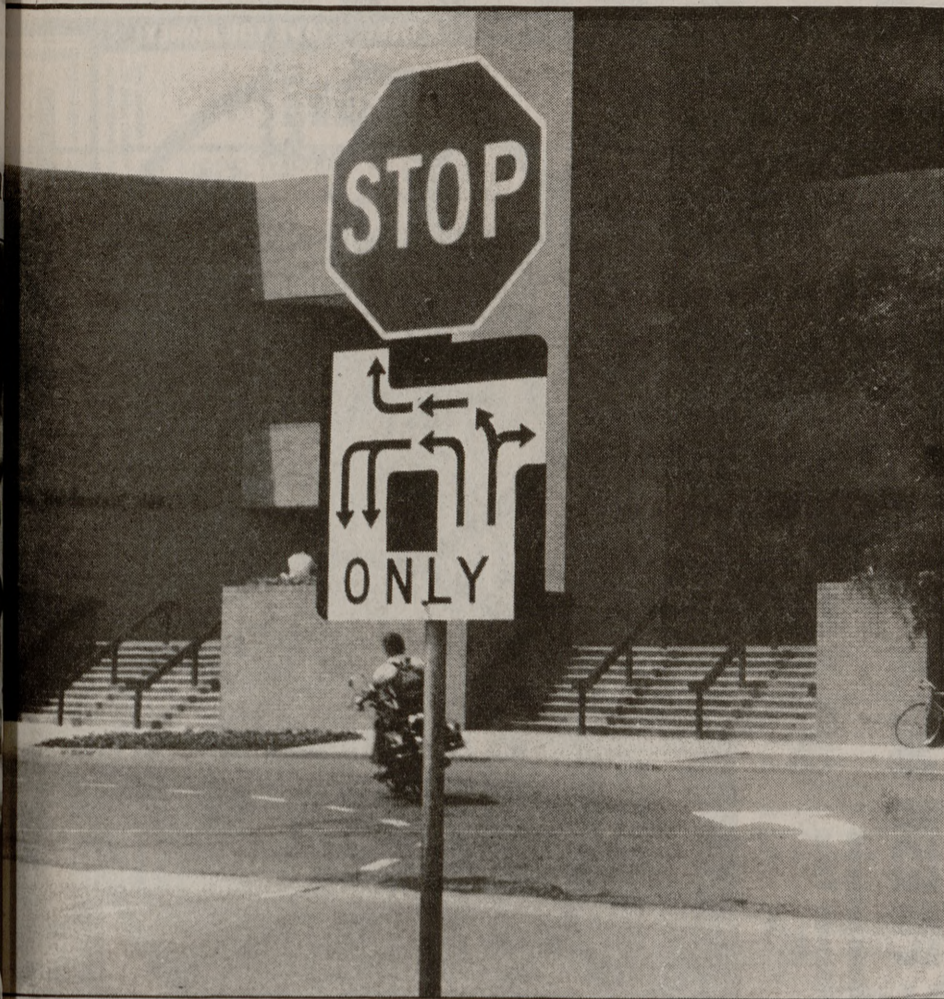


photo by Shelley Emshoff

Stop ... or something

This newly placed sign on the corner of Nagle and Foster streets, across from H.C. Heldenfels Hall, gives detailed directions on how to turn on a street that is one-way to

the left and two-way to the right. It's a good thing it's on campus: A degree in traffic planning may not be absolutely necessary for decoding the sign, but it helps.

Budget deficit may be billions more than originally projected

United Press International
WASHINGTON — The recession, prolonged by high interest rates, probably will add another \$35 billion to the 1983 deficit, Congress' chief economist said Tuesday.

Alice Rivlin, director of the Congressional Budget Office,

told the Senate Budget Committee the effects of the recession could lead to deficits that exceed current projections by more than \$50 billion by 1985.

Treasury Secretary Donald Regan said Sunday the 1983 deficit — now projected at \$104 billion — could be \$10 billion larger.

Rivlin said tax collections

through June indicate revenues for fiscal 1982, which ends Sept. 30, will be \$3 billion to \$8 billion less than expected.

"The lower-than-expected revenue base for 1982, combined with the slightly lower real growth and lower inflation for 1983 in the CBO forecast, imply appreciably lower revenues than estimated," she said.

"The net effect of these reestimates could be to add \$25 billion to \$35 billion to the 1983 budget deficit."

In later years, Rivlin said, those same conditions could increase projected deficits by \$40 billion to \$55 billion in 1984 and \$50 billion to \$65 billion in 1985.

Large deficits "will continue to be a problem for the foreseeable future," she said, adding additional tax increases and spending reductions could be

required next year to achieve longer-run deficit targets set by Congress.

"However," she added, "the failure of interest rates to decline, despite falling inflation, lead us to anticipate a somewhat less robust recovery than seemed likely a few months ago."

Rivlin said the CBO foresees "moderate" growth in the gross national product during the second half of the year and a drop in unemployment to 8.8 percent in 1983.

Manhattan man is Pepper millionaire

United Press International
NEW YORK — A Manhattan man, 44, was chosen Tuesday as the winner of Dr Pepper's \$1 million "Be a Pepper Millionaire" sweepstakes.

Robert A. Healey, a hearing officer for the New York State Tax Commission, was presented a check for \$100,000 by Marvin Miller, the actor who used to give away \$1 million a show on the old television series "The Millionaire."

"I have a lot of experience in handing out checks but this is the first time I'm handing out one that isn't phony," said Miller, who played the character Michael Anthony on the show.

Healey, who will receive the \$1 million in 10 annual payments, said he was not surprised when he learned Monday that he had been chosen as one of six finalists.

He said he had an "unexplainable feeling" that he would win even before he placed the first of about 100 entries.

Healey, who is divorced, said he plans to use the money for investments and to travel. His name was picked by Miller from 3.5 million entries.

Dr Pepper said Healey, a former resident of North Adams,

Mass., got the winning entry with a Dr Pepper purchase at a Sloan's supermarket in Manhattan.

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