

## House tentatively approves malpractice bill

□ The bill aims to raise the bond paid by a plaintiff filing a malpractice suit.

AUSTIN (AP) — The Texas House Wednesday tentatively approved a bill aimed at cutting down on frivolous lawsuits filed against doctors and other health care providers.

The measure, approved with a voice vote, faces a final vote of the House before it can be sent to the Senate for consideration.

The bill is part of a package of civil justice reforms moving through the Legislature under the emergency priority of Gov. George W. Bush.

Arduously agreed to by groups representing the state's doctors and trial lawyers, the measure would increase the amount of

money a plaintiff would have to put up as bond to file a medical malpractice lawsuit.

The bill also would require a plaintiff to file with the court a report containing testimony from a medical expert verifying that the claim is valid.

"What you are going to see is a strong push to reduce medical malpractice claims in the state of Texas," said Rep. Todd Hunter, D-Corpus Christi, the bill's author. "The expert reports are really tightened up so that to file a medical malpractice you really have to have justification."

The bill was criticized during floor debate by Rep. Helen Giddings, D-De Soto.

Ms. Giddings said raising the bond paid by a plaintiff filing a

malpractice lawsuit from \$2,000 to \$5,000 per defendant would discriminate against fledgling law firms.

"I, like everybody else, want to cut down on frivolous lawsuits, but I am concerned that we are doing things to impede or retard the law firms that are not necessarily as well established," she said.

The bill has the support of the Texas Medical Association, Texas Hospital Association and Texas Trial Lawyers Association.

Under the measure, a plaintiff would be required within 90 days of filing a lawsuit to either post \$5,000 bond or file an expert medical report for each defendant named in the case. If the claim is deemed valid by the court, the money is returned to

the plaintiff.

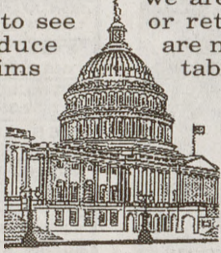
If those requirements weren't met, the plaintiff would have to pay a \$7,500 bond to continue the lawsuit.

Within 180 days of filing the lawsuit, the plaintiff would have to file an expert medical report certifying the lawsuit and supply the defendant with information regarding the expert who created the report.

If the plaintiff failed to file the expert report by the 181st day, the defendant could seek sanctions against the plaintiff, including attorney's fees and forfeiture of any bonds.

Supporters of the bill say medical malpractice claims are driving up health care costs and that the measure will help reverse that trend.

Opponents say it could limit the right of people who have valid claims to bring them to court.



## State Comptroller proposes alternative plan to current welfare reform package

□ The proposal seeks to establish issuance of block grants to states based on population growth and income levels.

AUSTIN (AP) — A welfare reform plan working its way through Congress could cost Texas nearly \$10 billion over the next seven years if it becomes law, state Comptroller John Sharp said Wednesday.

But Sharp says he has a better idea. And he's trying to rally 35 other states behind an alternative that would send block grants of federal money to states based on their population growth and residents' income levels.

"Put in a block grant that allocates money based on where the people go. If people are going to Texas, let it (federal money) follow," Sharp said.

Sharp said a block grant bill already passed by the U.S. House would allocate welfare funding based on an outdated system. Some northern and eastern states, which pay higher benefits, stand to get more

money even though their populations are shrinking, he said.

But growing southern states, including Texas, wouldn't get enough money to keep up as their populations keep booming.

"All we're saying ... is if the state of Michigan is losing folks, they ought to be losing money," Sharp said. "His (the gover-

operate programs however they choose.

But he said the House-passed welfare bill would utilize a 17-page formula of "archaic mathematical manipulations" when a simple, straightforward plan would be fairer.

Sharp proposes that the block grant money be based on each state's share of the U.S. population and its residents' incomes.

**"For all the talk of 'revolution' in Congress, all they've done so far is cap the old, failed system... There's nothing revolutionary about that."**

— John Sharp, State Comptroller

nor of Michigan) folks are moving to Texas. Yet we're not going to get anything to take care of that."

Sharp said he strongly favors block grants, through which the federal government would give "blocks" of money to states free of bureaucratic rules and allow states to

more than 5 percent of the money.

"For all the talk of 'revolution' in Congress, all they've done so far is cap the old, failed system and lock every state into an inequitable funding scheme for the next five years. There's nothing revolutionary about that," Sharp said.

## Commission on Alcohol and Drug Abuse faces charges of wrongdoing, misappropriation

□ The commission must answer questions concerning alleged mismanagement of public funds.

AUSTIN (AP) — Despite the prospect of the Texas Commission on Alcohol and Drug Abuse being placed in conservatorship over allegations of mismanagement, board members say they have done nothing wrong.

In what may have been their last meeting, board members said Tuesday they should not be blamed for scandals that have plagued substance-abuse treatment programs in Austin and Corpus Christi.

"I fully expect the Legislature and the governor to put us in receivership," board member John McDonald said.

"But I'm going to walk off here with my head up because I know I did the right thing," he said.

The commission, which has 271 employees and a budget of about \$180 million, funds alcohol and alcohol rehabilitation programs across the state.

Several agencies have launched investigations into TCADA concerning allegations of fiscal mismanagement, use of public funds and unusual hiring practices.

In addition, the agency is conducting audits of its contractors, and irregularities have turned up in almost a third of the examinations.

A legislative recommendation of conservatorship would place the board of its authority in the hands of a three-member committee appointed by the governor, under the control of the agency.

## Gov. Bush claims EPA officials meddling in legislative affairs

□ State legislators resent federal government interference in the emissions testing proposal.

AUSTIN (AP) — Gov. George W. Bush accused federal environmental officials of using "heavy-handed" tactics to interfere in legislative efforts to revamp the state's vehicle emissions testing program.

Bush's comments came after a high-ranking Environmental Protection Agency official sent the governor a letter warning that an emissions-testing proposal pending in the state Senate wouldn't meet federal requirements.

The letter by Mary Nichols, assistant administrator for air and radiation, drew heated re-

sponses from the governor and Sen. John Whitmire, who introduced the proposal.

"It's bad public policy for the federal government to be heavy-handed bureaucrats coming into the Texas legislative process demanding a solution the way they see fit, not the way elected officials of Texas eventually rule," Bush said.

"It's not right and we're not doing it in Texas, and (EPA Director Carol) Browner better get out of her agency."

In a letter to Browner, Bush condemned the agency's efforts to meddle.

"For a federal agency to subject itself in the midst of a state legislative debate is inappropriate," Bush wrote.

The EPA gave lawmakers until May 2 to come up with a new plan.

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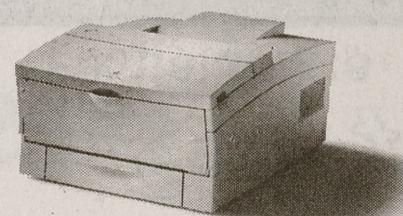
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