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Eric R. Dinallo, Superintendent
State Of New York
Insurance Department
One Commence Plaza
Albany, New York 12257

Richard F. Daines, M.D., Commissioner
Department of Health
Corning Tower, Empire State Plaza
Albany, NY 12237

Dear Superintendent Dinallo and Commissioners Daines:

At the last task force meeting, Superintendent Dinallo requested that the trial lawyers provide their position on the hospital's medical indemnity fund proposal. We wanted to make sure the Superintendent knew that consumer groups are also strongly opposed to this idea, which has surfaced before and which consumer groups have successfully fought.

For example, the following are a few excerpts of a June 28, 1988, letter that Ralph Nader sent to then Governor Cuomo, about a similar proposal that was being discussed in the legislature that year and fortunately went nowhere:

“No other jurisdiction in the country has adopted such a restrictive and administratively oppressive measure.... [T]his process would be so burdensome and humiliating (e.g. imagine a request for reimbursement for a personal prosthetic device) that the impact of the proposal would be to seriously discourage judicial access to trial and to provide defendants charged with malpractice with a coercive power for reduced settlement sums....

[I]f damages were awarded by a jury, [a] child's family would be condemned to a lifetime of likely litigation or concessions before an insurance company or arbiter - likely without legal assistance – just to obtain payments for the child's ongoing medical bills.”

We agree with Mr. Nader's views. Let us know if you would like a copy of his full five-page letter.

Very sincerely,

Joanne Doroshow
Executive Director