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CAOC: SB 1528 is not hidden MICRA reform

McCarthy says any MICRA change will be "direct and unequivocal"

SACRAMENTO (Aug. 28, 2012) — Consumer Attorneys of California's top leader today flatly rejected claims that SB 1528, the group's priority bill to clarify the measure of medical costs in personal injury cases, has anything to do with the state's \$250,000 MICRA cap on medical negligence damages.

Niall McCarthy, CAOC president, said that the organization remains staunchly opposed to MICRA, but would never attempt to alter the 1975 measure through some sort of legislative sleight of hand.

"When we make a legislative move to change MICRA, everyone will know it," McCarthy said. "It won't be part of any so-called 'hidden agenda' in an unrelated bill. SB 1528 has nothing to do with MICRA and it is not the vehicle to correct that injustice. Any MICRA bill will be direct and unequivocal."

McCarthy was responding to assertions by lobbyists associated with the California Medical Assn. and its allies who have long supported MICRA's limits on medical negligence non-economic damages. In a morning hearing on [SB 1528 \(Steinberg\)](#) before the Assembly Judiciary Committee, health care lobbyists suggested that the bill was an end-run around MICRA, shorthand for the Medical Injury Compensation Reform Act of 1975.

CAOC has long maintained that California's outdated, unjust [MICRA cap on compensation for those harmed by medical negligence](#) should be modernized and brought into the 21st century. In the decades since the law was passed in 1975, skyrocketing inflation has caused prices to more than quadruple while the cap has remained fixed at \$250,000. Indexed to inflation, the cap would exceed \$1 million today.

McCarthy made similar comments in a letter delivered today to California Medical Association CEO Dustin Corcoran. Allegations linking SB 1528 to a back-door effort to tamper with MICRA were cited in a [blog post](#) today by Sacramento Bee reporter Dan Walters.

In his letter to Corcoran, McCarthy said that MICRA and its \$250,000 cap on human suffering damages "remain a fundamental injustice for Californians killed or injured by the negligent acts of a health care system they depend on to heal and not harm." [A copy of the letter can be viewed here.](#)

Consumer Attorneys of California is a professional organization of plaintiffs' attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

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