

March 10, 1976

SENATOR CAVANAUGH: You have not?

SENATOR SCHMIT: No, I have not.

SENATOR CAVANAUGH: It seems to me that you have.

SENATOR SCHMIT: If you will read the amendment it does not strike that portion of the ... of your ... of the Committee amendment. It allows the.... I'll read it to you. "Evidence shall also be admissible as to the amount of any premiums, payments, or contributions paid by or for claimant, claimant's decedent". I have not stricken that.

SENATOR CAVANAUGH: You would object to an amendment that allows those to be outside of any reduction of damages.

SENATOR SCHMIT: No, Senator Cavanaugh. You have to explain to me in laymans and final language what you mean.

SENATOR CAVANAUGH: Do you think it's fair that I pay a premium, a health insurance premium, that you, the physician, injure me, that I incur certain health care costs, then I receive a judgement or a settlement ... a claim against you and what I have paid is applied to the damages that you've inflicted upon me. Do you think that that is fair?

SENATOR SCHMIT: Senator Cavanaugh, if further injury has occurred, or further damages result, or further medication is needed by the patient, then if the health insurance pays for your treatment....

SENATOR CAVANAUGH: That's what we're talking about, the collateral source.

SENATOR SCHMIT: That's right. Why would you want double recovery? You're not wanting to make money.

SENATOR CAVANAUGH: No, what I'm saying is I have paid \$500 a year to insure myself for medical care. Now you, the doctor, have injured me through your negligence.

SENATOR SCHMIT: Right.

SENATOR CAVANAUGH: So I'm sent into the hospital and my insurance starts to pay for that. Now we get an award of \$50,000, \$20,000 of which I have incurred in special damages which is health care because of the injury inflicted and that's going to be reduced, in spite of the fact that I have paid \$5,000 out of my own pocket to insure that coverage. Now why are you entitled to the benefit of that and not me who you injured?