

January 14, 1980

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SENATOR VENDITTE: Well, Sam, I don't know. I want to make a definite response but everyone will have a copy of that.

SENATOR CULLAN: Thank you, Senator Venditte. I am not sure either and I think it is a point that needs clarification. I thank Senator Dworak for raising it.

SPEAKER MARVEL: Senator Dworak, do you wish to close on your motion?

SENATOR DWORAK: Mr. President, colleagues, the very recent dialogue between Senator Cullan and Senator Venditte would lead me to believe that this bill isn't understood all that much as we were purported or as it was purported to be. I haven't sat in on any negotiations. I haven't joined any group or club that is supposed to sit together and be for this or against this. I just kind of read the bill and make my own decision on it and listen to the debate. We were chastised and Senator Venditte wanted to close the rules and shut all debate down because all this preliminary negotiation discussion had taken place. Now I find that the Chairman of the Public Health Committee and the introducer of the bill himself have some doubts and some concerns about provisions of this bill. I don't see any reason for this bill to go sliding across the floor and I, for one, will not put a vote up for this bill with the provision in here as the one I just read, absolving that physician from all criminal and civil liability. I won't do that. I won't be a part of it. I wouldn't vote for medical malpractice which was a very popular piece of legislation here several years ago that was very heavily lobbied and I wouldn't vote for that bill for that reason. I think the people have a constitutional right to sue and I think with this section you are taking it away from them. Now I disagree with Senator Venditte when he says that section (2) sort of supports section (1). I think section (2) refers to licensure and section (1) specifically refers to criminal and civil liability and there is a big difference between the two. If I want damages from a physician that has improperly prescribed and diagnosed an illness, I want more than his license taken away from him. I want damages. That is what I want. I want something, an attempt to make me whole from the loss I suffered. I think this section of the bill needs to be stricken and I don't want to play games with this bill. I don't want to sit here and say, oh, we will catch it on Select File or we will catch it on Final Reading or we will get an opinion from the Attorney General or whatever reason but let's vote it across. That is not the way to do business. The way to do business is

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