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FLOOR DEBATE

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division to increase the cap to a \$1,750,000. Again, it would be the first increase in 11 years. It is...it mirrors the Consumer Price Index. It was supported by the Medical Association and the Hospital Association, and it was testified to neutrally by the trial lawyers. And so I believe that all the parties were represented, knew what they were doing and want to do it, and I urge your support. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Senator Aguilar, followed by Senators Combs and Wehrbein.

SENATOR AGUILAR: Thank you, Mr. President. I want to thank Senator Brashear for that explanation and it's probably my fault that I didn't have that information before time, before I asked for the division of the question. I did, however, think that was a question that needed to be asked, and I still feel strongly about that. I, however, am not adamantly opposed to what he's trying to do now after the explanation and I think I will probably support it at this point. Thank you.

SENATOR CUDABACK: Thank you, Senator Aguilar. Senator Combs, on the second component.

SENATOR COMBS: Thank you, Mr. Speaker, members of the body. I wondered if I could just ask Senator Brashear a question.

SENATOR CUDABACK: Senator Brashear, would you respond to a question of Senator Combs?

SENATOR BRASHEAR: Yes, Mr. President.

SENATOR COMBS: I was wondering if someone's medical expenses, actual and verified, would exceed this cap, and help me understand here, what would be their recourse for patients that would fall under...in that category to get damages?

SENATOR BRASHEAR: Well, I do not want to hold myself out as an expert in this area. I can tell you what I believe would occur. What you would find, I think, if the actual medical expenses exceeded the cap, you would find a negotiation going on among the providers, the claimant, the injured party and others to try