



GARY FRIEDMAN / Los Angeles Times

Using his office as command central, Harvey Rosenfield and his staff tackle such issues as medical malpractice, billing errors and health care.

# Reform-Minded

## Prop. 103 Author Harvey Rosenfield Is Out to Revamp Anything That Hurts Consumers

By CONNIE KOENENN  
TIMES STAFF WRITER

**H**arvey Rosenfield had to get up before dawn for his recent live interview on NBC's "Today," but it was well worth the trouble. His advice for consumers on ways to protect themselves against medical malpractice got immediate feedback.

"It was amazing," he says. "I would say we got more than 100 calls just that morning from physicians, patients and policy-makers all over the country."

For Rosenfield, 42, educating consumers is a full-time job and a personal commitment. Like his friend and mentor Ralph Nader, he considers himself a generalist. "I find it stimulating to have a lot of things going at once," he says.

His new book is "Silent Violence, Silent Death: A Consumer Guide to the Medical Malpractice Epidemic" (Essential Books, 1994).

But for the past seven years his biggest thing going has been Proposition 103, the widely imitated California insurance reform initiative that Rosenfield wrote and, with the considerable help of Nader, steered to victory in 1988. Because of legal resistance from the insurance industry, Rosenfield's title is still director of the privately funded Proposition 103 Enforcement Project, which pays him \$60,000 a year. The Proposition 103 Enforcement and other consumer efforts Rosenfield works on fall under a nonprofit umbrella organization called the Network Project.

Rosenfield has a relish for any issue where the consumer seems to be getting rolled over by somebody's special interest, and he likes to be on the attack.

"It's important to have a proactive agenda and be on the offensive," he declares.

Sitting in his office in a third-floor complex on West Pico Boulevard, where the prominent paperback on his desk is "Insurance Ripoffs and Dirty Tricks," he runs

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### CHECKLIST

#### Examining Your Doctor

**I**n Harvey Rosenfield's view, medical malpractice is a silent epidemic that has not received the public attention paid to other dangers. And although "Today's" Matt Lauer suggested during Rosenfield's appearance that recent malpractice horror headlines shouldn't scare people because they represent just a small percentage of doctor-patient interactions, Rosenfield disagrees.

"Many people watching Please see TIPS, E6

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through current projects he and his staff of attorneys have launched:

"Nader and I have been working on a study of billing errors to show how customers are nicked and dined to death on their bills. We are charged all sorts of late fees, but what happens, say, if the telephone company mis-bills us? We have to call them, we get put on hold, finally get them to fix it and they don't pay us any penalty.

"Another thing we're talking about, which is dear to my heart, is campaign reform. We're meeting with other groups on this. There have to be laws to protect democracy from special interests.

"We've done a lot of work on health care. We've created a project called Consumers for Quality Care and we're getting ready to announce a series of health-care bills for the Legislature."

Rosenfield, who lives in Venice with his wife, artist Georgia Bragg, and their two children, grew up in suburban Boston. He has been looking out for consumers' welfare since he met Nader almost 20 years ago. Rosenfield was a student at Georgetown Law School with a "vague notion of doing something worthwhile" when he saw a small article in Washingtonian magazine about a consumer lobby group needing help.

"This was in 1976 and it was a brand-new thing. I went over there and found Congress Watch"—the lobbying arm of Public Citizen, Nader's largest watchdog group.

He went to work for Congress Watch for \$600 a summer while most of his law school friends were making about \$2,000 interning in corporate firms. After law school, Rosenfield joined Nader.

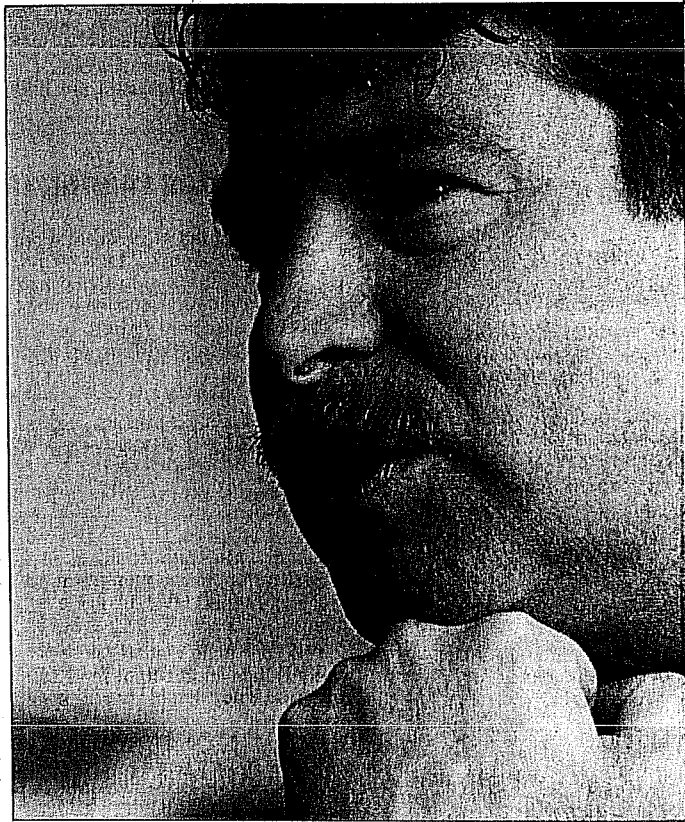
"He sent me to California to work on utility rates. I was here in 1986 and we decided we had to go against the insurance companies."

Rosenfield still works closely with Nader, who wrote the introduction to his malpractice book. "I am honored to be able to say I speak with him almost every day," Rosenfield says.

He also shares Nader's dedication to work. Decorating his office wall is a huge artwork created by daughter Maisy, 5, that includes the observation: "My dad has two offices—one is at the house and one is where you have to drive. He enjoys working."

A master of grandstanding gestures that capture the media spotlight (he once tried to deliver a truckload of cow manure to State Farm Insurance Co.'s Los Angeles headquarters), Rosenfield seemingly has retained the zest of his intern days.

Over lunch at a neighborhood restaurant, his conversation hops from insurers who hike earthquake



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Despite the eight-year battle it took to enact Proposition 103, Harvey Rosenfield says: "I feel like it was an honor to have helped people."

rates and illegally base auto rates on zip codes, to the pending legislation in Washington to curb the rights of injured consumers to file lawsuits.

"If you are injured by a negligent physician, your only recourse is to go to court as aggrieved individuals. They are trying to limit this. One bill [H.R. 1075] rocketed through the House and now

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Harvey Rosenfield

they're trying to do the same thing in the Senate, which is where we are making our last stand," he says.

Late last week, Consumers for Quality Care launched a "Casualty of the Day" campaign. They'll issue a daily profile of a victim of medical malpractice, a dangerous product or investment fraud. "We

fax these profiles to every member of the Senate and 1,000 members of the media," he says. "It's already catching on. I just got a call from 'Face the Nation' and they wanted more information."

He sees his organizations as among the few voices speaking up for victims.

"This is where we're at today. Special interests rule everything. People are so used to the corruption of the political process that they feel absolutely powerless if they don't have money."

Rosenfield views Proposition 103 as one of the few contemporary examples of citizen action. "It has delivered \$800 million in rate rollbacks, with between \$1.5 billion and \$2 billion to go. It held California insurance rates down when everybody else's were escalating and it provided an elected insurance commissioner."

It has also taken almost eight years of his life, he adds. (When he recently received his 20th Century rollback check for \$232, his wife's only comment was, "All that work for \$232?")

Rosenfield says he didn't think about the timeline when he took on the crusade. "I didn't think about the commitment and I didn't think the insurance companies could spend six years tying it up in the courts. But we have been vindicated by the U.S. Supreme Court. I feel like it was an honor to have helped people."

# TIPS

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today think these horror stories could never happen to them," he told Lauer and the NBC audience. "In fact, physician researchers at the Harvard School of Public Health estimate that 150,000 Americans are killed every year in hospitals alone due to medical violence."

His book "Silent Violence, Silent Death" covers the medical, legal and public policy aspects of malpractice. The final chapter advises on how to be a good health-care consumer. Some suggestions:

- Shop for a good doctor, starting

with personal recommendations. Learn the doctor's credentials, visit the office and talk to the patients. Interview the doctor. Check the state medical board for any record of disciplinary action.

- Treat the search for a hospital with the same care. If your doctor has selected a facility that makes you uncomfortable, discuss it. If you're still not satisfied, insist that you jointly figure out an alternative.

- Take an active role in any diagnosis and treatment. Make sure you understand what the doctor is telling you, even if you have to ask five times. Take notes. Understand what you have to do and why, and what it will cost.

- Never stay in a hospital by yourself. Hospitals are complex places and, no matter how minor your condition, you need an advocate to monitor what is happening and to make sure you get the treatment you need. Take notes on your treatment.

- Check your hospital bill carefully. Ask your physician for help—many will review bills and go to bat for you. Bring billing errors to the hospital's attention. Pay the undisputed amount of the bill while trying to resolve the errors, and note that many hospitals will let you establish a payment plan for large balances.

—CONNIE KOENENN