



55 MARIETTA ST  
SUITE 903  
ATLANTA, GA 30303

**Help us celebrate** our seventh year as the state's leading consumer watchdog by contributing to Georgia Watch today. Georgia Watch is doing more than ever to help you access affordable health care and insurance and avoid scams, predatory lenders, hospital infections, identity theft and other threats to our families and our way of life.

We work to raise these same issues with the media and state officials every day, and guard against attacks on your rights by powerful interest groups at the State Capitol.

Through generous tax-deductible contributions from our members, we are able to grow, as does our ability to help Georgia consumers.

We're excited about what we've accomplished and what lies ahead – but we can't do it alone. A tax-deductible contribution of any amount to Georgia Watch today is money well spent.

ALLISON WALL EXECUTIVE DIRECTOR  
ANGELA SPEIR DEPUTY DIRECTOR  
DANNY ORROCK POLICY MANAGER  
HOLLY LANG HOSPITAL ACCOUNTABILITY  
PROJECT MANAGER  
JEANNINE MALONE GRASSROOTS  
COORDINATOR  
BETH MALONE COMMUNICATIONS  
COORDINATOR  
MIKE RODGERS COURT WATCH FELLOW

FOR QUESTIONS  
REGARDING  
**theWATCHER**  
CONTACT US BY  
PHONE AT  
**(866) 33-WATCH**  
OR BY EMAIL AT  
**GEORGIAWATCH@  
GEORGIAWATCH.ORG**

## GeorgiaWatch is OUTSPOKEN

Already in 2009, Georgia Watch employees have made consumer presentations to:

- Rotary Clubs of Coweta, Fayette, Meriwether, DeKalb and Polk Counties, East Roswell and Peachtree City.
- Savannah Lions Club
- Various NPU's-D, F, G, H, K, J, P
- Druid Hills Kawanis Club
- American Legion #911

You too can book Georgia Watch for a speaking engagement by calling (866) 33-WATCH!

## UNINSURED OR UNDERINSURED IN METRO ATL? GEORGIA WATCH'S HAP CAN HELP!

By Holly Lang

Georgia Watch launched a new project this year to help expand access to affordable health care for uninsured and underinsured consumers in the Atlanta area.

The Metropolitan Atlanta Hospital Accountability Project – or HAP – examines challenges that low-income, uninsured and underinsured patients face by talking to consumers throughout the metro area, and by analyzing the financial aid policies at for-profit and nonprofit hospitals.

HAP also looks at state laws that require hospitals to give free or low-cost care to the state's uninsured and underinsured consumers, suggesting policy improvements.

**OVER 1.5 MILLION GEORGIANS, OR 18 PERCENT OF THE STATE'S RESIDENTS, HAVE NO HEALTH INSURANCE. AND COUNTLESS OTHERS REMAIN UNDERINSURED.**

In February 2009, the state Department of Labor announced that 120,139 laid-off workers filed first-time claims for unemployment insurance benefits – an 81 percent increase over January 2008.

This means that even more of the state's consumers will face mounting health care costs as they too become uninsured.

Through HAP, Georgia Watch and its partners are conducting surveys

of consumers who are uninsured or who have insurance with high deductibles or poor coverage. Anonymous responses to the surveys will be published in a report next January.

In the coming months, HAP staff and volunteers will visit Atlanta's hospitals, checking that financial policies are clear and provided in languages that are appropriate for their patients, such as Spanish and Vietnamese. We'll determine how much free or low-cost care each hospital provides and the process for accessing it.

We'll educate Georgians on how hospitals and consumers use the Indigent Care Trust Fund (ICTF), a state-sponsored program that pays hospitals to offer health care to low-income people. Most hospitals, both for-profit and nonprofit participate, to some degree, in ICTF.

HAP and its partners will use all this information, gathered from patients and hospitals, to develop a list of best practices and make public policy recommendations.

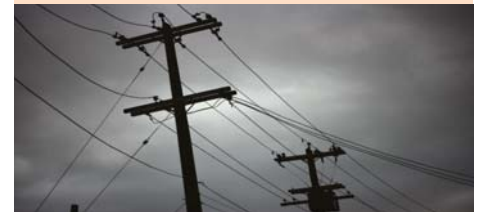
This new project of Georgia Watch is funded by a two-year grant and includes partnerships with the Concerned Black Clergy, Atlanta Legal Aid, Georgia Budget and Policy Institute, WonderRoot and Georgia Legal Services program. There are many volunteer opportunities with HAP, including consumer surveying.

For more information, please contact Hospital Accountability Project Manager Holly Lang at [hlang@georgiawatch.org](mailto:hlang@georgiawatch.org).

MORE GOOD NEWS...

## THE CONSUMER ENERGY PROGRAM

By Beth Malone and Angela Speir Phelps



In January, former Public Service Commissioner Angela Speir joined Georgia Watch as deputy director and senior director of the organization's new Consumer Energy Program.

With Speir at the reins, the new program researches and develops positions on legislative and regulatory proposals that affect the cost of energy, including the financing of new power plants, energy efficiency and renewable energy technology.

During the 2009 General Assembly, the program helped develop Georgia Watch's consumer arguments against Senate Bill 31, Georgia Power's pre-payment scheme for financing two new nuclear reactors at Plant Vogtle, near Augusta.

Called Construction Work in Progress (CWIP), SB 31 will eventually cost consumers \$2 billion, with 75 percent of that going straight to Georgia Power as early profit and new taxes.

In a guest column for the *Atlanta Journal-Constitution*, Speir expressed her disappointment in the Public Service Commission's (PSC) vote to give Georgia Power the green light for the financing scheme.

*“Georgia Power, in sworn testimony, stated that CWIP does not save ratepayers money,” Speir wrote in the March 29th article.*

*“The [PSC’s own staff] advised that the [PSC] could implement a less oppressive form of CWIP later, which would have been a better alternative for ratepayers. But four [of the five] commissioners decided to go against the advice.”*

The PSC certified the cost of the nuclear expansion and passed CWIP in March, without implementing the consumer safeguards recommended by their own staff.

Much like the Georgia Power financing scheme, other upcoming PSC cases may have a huge impact on our families, businesses and the state’s economy. Speir is working to raise awareness across the state to encourage consumers to fight for fair rates and efficiency.

*“A major point of the Consumer Energy Program is a ground-level campaign to emphasize cases that will come before the commission that will impact all of us,” Speir said. “Cases such as the \$800 million dollar fuel case that will be filed in upcoming months, the Atlanta Gas Light Company rate case that will be filed this fall and the Georgia Power rate case and Integrated Resource Plan, which will both be filed next year.”*

Georgia Watch will also be publishing a PSC vote reference to publicize the voting records of every commissioner.

*“This will help you get to know your elected officials,” Speir said. “Who are the people making decisions about energy in Georgia and how are they voting? Their decisions impact all of us, our state’s economy and the environment.”*

The Consumer’s Utility Council (CUC) was eliminated last year by the Governor’s office due to

funding cuts. As a result, residential customers and small businesses have no representation in the billion dollar cases coming before the PSC. Large corporations and utilities remain protected but, without the CUC, the average person no longer has a voice at the commission.

*“I truly hope Georgia Watch’s energy program will fill the void that the elimination of the CUC left,” Speir said. “We’ll work to protect Georgians by ensuring fairness, transparency and accountability. We’ll also ensure that stimulus money coming to Georgia for energy programs and weatherization is being spent prudently.”*

The federal stimulus package will provide \$130 million to Georgia for weatherization assistance programs, including attic and basement insulation, reduction of air leakage and heating system repairs or replacement.

The Consumer Energy Program will provide one-on-one instruction on easy ways to lower utility bills and save energy on a daily basis.

*“Turn off the computer or TV when you’re not using it, set your thermostat a few degrees higher in the summer or purchase a programmable one, use compact fluorescent lights instead of incandescent bulbs,” Speir said. “All of these things – weatherization, behavioral changes and energy efficient products – help mitigate increasing energy costs by lowering consumption.”*

The Consumer Energy Program will create a credible consumer voice on energy issues by raising public awareness, encouraging consumer participation in the rate process, and by holding elected representatives accountable.

*“We’ll fight for Georgia families, both yours and mine,” Speir said. “We’ll demand fair rates, more energy efficiency and resource diversity.”*

## FACT BOX:

### D.I.Y. HOME ENERGY MONEY-SAVERS

#### LOCATE AIR LEAKS

Fixing a drafty home can save 5 to 30 percent on electric bills every year!

To find leaks, close all windows and doors, turn on exhaust fans in bathrooms and the kitchen. Walk through your house being mindful to listen for and feel out breezes. Seal any gaps with an expanding foam caulk or other permanent sealant.

Likely leaky culprits:

- Electrical outlets (2%)
- Vents (4%)
- Window frames (10%)
- Doors (11%)
- Plumbing (13%)
- Fireplace (14%)
- Ducts (15%)
- Floors, ceilings, walls (31%)

#### INSULATION

Homes built before 1980 may have inadequate insulation.

Aside from walls, floors and foundation, your water heater, hot water pipes and furnace ducts should all be insulated with fiberglass insulation.

#### LIGHTING

Energy for lighting accounts for about 10 percent of your electric bill. Examine wattage size of light bulbs in your



house. You may have 100W bulbs where 60 or 75W would do. Consider compact fluorescent lights (\$4 - \$15), as each bulb saves about \$30 or more in electricity costs over its lifetime. Utilities may offer rebates for purchasing energy-efficient lamps.

**For more info on energy saving tips and money savers visit [www.eere.energy.gov](http://www.eere.energy.gov) or for info on energy efficient products visit: [www.energystar.gov](http://www.energystar.gov).**

# DIRECTOR'S CHAIR

## GEORGIA POWER'S SENATE BILL 31: PUBLIC RISK, PRIVATE PROFIT

By ALLISON WALL

A lot of questions remain about the involuntary layaway plan Georgia Power disguised as a smart financing scheme during the 2009 legislative session. SB 31, in short, requires consumers to pay increased electric bills for two proposed nuclear reactors at Plant Vogtle long before they produce energy.

One of the most glaring questions to us is: Why is the state legislature, which has no nuclear financing expertise, taking up SB 31 rather than the Public Service Commission (PSC), which was established to specifically regulate energy issues?

Questions regarding the politics behind SB 31 will remain, but let's review what we do know, such as how the new law will affect Georgia Power customers.

- If you're a Georgia Power (GP) customer, expect your monthly power bill to go up at least a couple of dollars in January 2011, with a specific line item on your bill for "Plant Vogtle."

- Construction of the new reactors began this June but completion is not expected until 2017. GP estimates customers will pay \$1.30 extra per month in 2011. Then every year the monthly charge will double, so by 2017 ratepayers will pay ten more dollars a month – or \$120.00 more a year. This model assumes that there will be no cost overruns, which are highly likely.

- Between 2011 and 2017 there will be no actual service provided to ratepayers in exchange for their increased monthly charge. From the standpoint of "getting what you pay for," this law is anti-consumer, as no service is rendered for the price folks will pay.

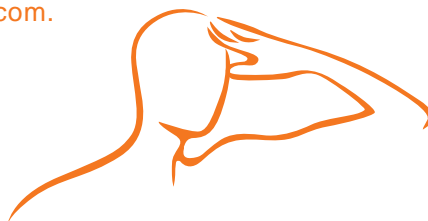
- GP is requiring ratepayers to pay down the "interest" on the construction debt early. GP claims this is a good deal for consumers because SB 31 avoids "interest on interest". This argument is akin to passing a law saying Georgians have to pay for a car before it's even manufactured so the consumer can save the "interest" on financing.

- GP is actually getting much more than interest payments from your wallets over the next seven years. SB 31 allows the company to collect not only the financing costs on the construction debt, but the return on equity to boot. In other words, SB 31 allows the utility to collect a profit seven years early, before the Vogtle expansion is even built, and before they have a service to sell you.

- For every dollar collected by Georgia Power from ratepayers only 25 cents will actually go towards interest payments. Seventy-five cents, or three-quarters of the Vogtle charges, will be company profit and income tax payments on that profit.

SB 31 couldn't come at a worse time for Georgians. Currently, Georgia ranks 7th nationally in foreclosures and has an unemployment rate of 9.1 percent. This is not the time to have Georgian's prioritize Georgia Power's debt over our own.

At Georgia Watch, we encourage you to communicate with Georgia Power at: [www.georgiapower.com](http://www.georgiapower.com). See how your senator voted on SB 31 at [vote-smart.org](http://vote-smart.org). And check your Georgia Watch vote count on this issue at [www.georgiawatch.com](http://www.georgiawatch.com).



## 2008 COURT WATCH REPORT

By MIKE RODGERS

Spring is here, and so is the second annual report from Court Watch, which covers important consumer issues before the state Supreme Court and Court of Appeals in 2008.

Georgia's appellate courts decided a variety of consumer cases last year, including medical malpractice, lending practices, uninsured motorist coverage and products liability.

Georgia's two levels of appellate courts review trial court proceedings and interpretations of state law for errors or misconduct. They hear appeals based on a variety of issues - everything from requests for attorneys' fees to constitutional challenges to state laws.

In this year's Court Watch report, five of seven profiled state Supreme Court cases were won by the consumer, but only four of ten reviewed Court of Appeals cases went in favor of the consumer.

### REPORT HIGHLIGHTS:

- **American Home Products Corp. v. Ferrari** - Federal

regulation of vaccines does not prevent consumers from filing claims in state court.

- **Mason v. The Home Depot, Inc.** - The 2005 Tort Reform Act expert witness requirements.

- **Scott v. Bank of America**

- Notification failures when mortgage companies do not maintain current, accurate contact information for their borrowers.

- **Cook v. Covington Credit of Georgia** - Collection agency

contact and behavior at a borrower's workplace, including racial slurs.

# HOW DID YOUR REP VOTE ON SB 31?

Y VOTED YEA                      N VOTED NAY  
E EXCUSED/DID NOT VOTE      X DID NOT VOTE

DIST    REP                      PARTY    CITY                      VOTE

	Roberta Abdul				
74	Salaam	D	Riverdale	N	
84	Stacey Abrams	D	Atlanta	E	
8	Stephen Allison	R	Blairsville	N	
9	Amos Amerson	R	Dahlonega	Y	
117	Lee Anderson	R	Grovetown	Y	
56	Kathy Ashe	D	Atlanta	N	
10	Rick Austin	R	Demorest	N	
78	Glenn Baker	D	Jonesboro	E	
166	Terry Barnard	R	Glennville	Y	
15	Paul Battles	R	Cartersville	Y	
68	Tim Bearden	R	Villa Rica	N	
	Sharon Beasley				
65	Teague	D	Red Oak	N	
	Stephanie Stuckey				
85	Benfield	D	Atlanta	N	
31	Tommy Benton	R	Jefferson	Y	
174	Ellis Black	D	Valdosta	Y	
63	Tyrone Brooks	D	Atlanta	N	
64	Roger Bruce	D	Atlanta	N	
160	Bob Bryant	D	Garden City	N	
130	Debbie Buckner	D	Junction City	N	
50	Mark Burkhalter	R	Alpharetta	Y	
157	Jon Burns	R	Newington	Y	
18	Mark Butler	R	Carrollton	N	
20	Charlice Byrd	R	Woodstock	Y	
175	Amy Carter	D	Valdosta	Y	
	Earl "Buddy"				
159	Carter	R	Pooler	Y	
103	David Casas	R	Lilburn	Y	
81	Jill Chambers	R	Atlanta	N	
116	Mickey Channell	R	Greensboro	Y	
134	Mike Cheokas	D	Americus	Y	
101	Mike Coan	R	Lawrenceville	Y	
125	Jim Cole	R	Forsyth	Y	
97	Brooks Coleman	R	Duluth	Y	
27	Doug Collins	R	Gainesville	Y	
95	Toney Collins	D	Gainesville	N	
41	Sharon Cooper	R	Marietta	Y	
102	Clay Cox	R	Lilburn	Y	
16	Rick Crawford	D	Cedartown	N	
122	Hardie Davis	D	Gracewood	Y	
109	Steve Davis	R	McDonough	Y	
	Dee Dawkins				
93	Haigler	D	Lithonia	Y	
163	Burke Day	R	Tybee Island	N	
13	Katie Dempsey	R	Rome	Y	
6	Tom Dickson	R	Cohutta	Y	
53	Elly Dobbs	D	Atlanta	N	
45	Matt Dollar	R	Marietta	Y	
38	Pat Dooley	D	Marietta	N	
86	Karla Drenner	D	Avondale Est	Y	
150	Winfred Dukes	D	Albany	N	
36	Earl Ehrhart	R	Powder Sprgs	Y	
108	Terry England	R	Auburn	Y	
128	Carl Von Epps	D	LaGrange	Y	
140	Bubber Epps	D	Dry Branch	N	
106	Melvin Everson	R	Snellville	Y	
147	Hugh Floyd	D	Norcross	N	
66	Virgil Fludd	D	Fayetteville	N	
43	Bobby Franklin	R	Marietta	N	

123	Gloria Frazier	D	Gracewood	Y	
151	Carol Fullerton	D	Albany	Y	
57	Pat Gardner	D	Atlanta	N	
48	Harry Geisinger	R	Roswell	Y	
76	Mike Glanton	D	Ellenwood	Y	
34	Rich Golick	R	Smyrna	N	
162	J. Craig Gordon	D	Savannah	N	
12	Tom Graves	R	Ranger	Y	
149	Gerald Greene	D	Cuthbert	E	
23	Mark Hamilton	R	Cumming	Y	
148	Bob Hanner	D	Parrott	N	
118	Ben Harbin	R	Evans	Y	
147	Buddy Harden	R	Cordele	Y	
28	Michael Harden	R	Toccoa	N	
177	J. Mark Hatfield	R	Waycross	N	
104	John W. Heard	R	Lawrenceville	Y	
114	Keith Heard	D	Athens	Y	
62	Joe Heckstall	D	East Point	Y	
67	Bill Hembree	R	Douglasville	Y	
87	Michele Henson	D	Stone Mt.	N	
21	Calvin Hill	R	Woodstock	Y	
180	Cecily A. Hill	R	St. Marys	Y	
112	Doug Holt	R	Social Circle	Y	
71	Billy Horne	R	Newnan	Y	
170	Penny Houston	R	Nashville	N	
121	Wayne Howard	D	Augusta	Y	
124	Sistie Hudson	D	Sparta	Y	
	Carolyn Fleming				
133	Hugley	D	Columbus	N	
161	Lester Jackson	D	Savannah	N	
80	Mike Jacobs	D	Atlanta	N	
135	Lynmore James	D	Montezuma	Y	
22	Sean Jerguson	R	Canton	Y	
75	Celeste Johnson	D	Jonesboro	N	
37	Terry Johnson	D	Marietta	N	
46	Jan Jones	R	Alpharetta	Y	
44	Sheila Jones	D	Atlanta	N	
77	Darryl Jordan	D	Riverdale	Y	
59	Margaret Kaiser	D	Atlanta	N	
179	Jerry Keen	R	St. Simons I.	Y	
173	Mike Keown	R	Coolidge	Y	
126	David Knight	R	Griffin	Y	
24	Tom Knox	R	Cumming	Y	
158	Bob Lane	R	Statesboro	Y	
167	Roger Lane	R	Darien	N	
82	Kevin Levitas	D	Atlanta	Y	
54	Edward Lindsey	R	Atlanta	Y	
14	Barry Loudermilk	R	Cassville	Y	
54	Ralph Long	D	Atlanta	N	
139	David Lucas	D	Macon	N	
110	John Lunsford	R	McDonough	Y	
127	B Maddox	R	Zebulon	Y	
172	Gene Maddox	D	Cairo	Y	
94	Randal Mangham	R	Decatur	N	
32	Judy Manning	D	Marietta	Y	
96	Pedro Marin	R	Duluth	N	
47	Chuck Martin	R	Alpharetta	Y	
17	Howard Maxwell	R	Dallas	Y	
111	Jeff May	D	Monroe	Y	
91	Rahn Mayo	R	Decatur	N	
30	Tom McCall	D	Elberton	Y	
115	Doug McKillip	R	Athens	N	
5	John Meadows	R	Calhoun	Y	
79	Fran Millar	R	Dunwoody	Y	
25	James Mills	D	Gainesville	Y	
88	Billy Mitchell	D	Stone Mountain	N	
	Alisha Thomas				
39	Morgan	D	Austell	N	

155	Greg Morris	R	Vidalia	Y	
90	Howard Mosby	D	Atlanta	Y	
120	Quincy Murphy	D	Augusta	Y	
1	Jay Neal	R	LaFayette	Y	
69	Randy Nix	R	LaGrange	Y	
	Mary Margaret				
83	Oliver	D	Decatur	N	
146	Larry O'Neal	R	Warner Robins	Y	
141	Bobby Parham	D	Milledgeville	N	
	Larry "Butch"				
156	Parrish	R	Swainsboro	Y	
42	Don Parsons	R	Marietta	Y	
137	Allen Peake	R	Macon	Y	
143	Dubose Porter	D	Dublin	N	
29	Alan Powell	D	Hartwell	N	
171	Jay Powell	R	Camilla	Y	
144	Jimmy Pruett	R	Eastman	Y	
7	David Ralston	R	Blue Ridge	N	
72	Matt Ramsey	R	Peachtree City	Y	
138	Nikki Randall	D	Macon	Y	
	Barbara Massey				
11	Reece	D	Menlo	N	
98	Bobby Reese	R	Sugar Hill	N	
51	Tom Rice	R	Norcross	Y	
19	Glenn Richardson	R	Hiram	X	
154	Jay Roberts	R	Ocilla	Y	
26	Carl Rogers	R	Gainesville	N	
152	Ed Rynders	R	Albany	N	
153	Austin Scott	R	Tifton	N	
2	Martin Scott	R	Rossville	N	
136	Tony Sellier	R	Fort Valley	Y	
35	Ed Setzler	R	Acworth	Y	
176	Jay Shaw	D	Lakeland	Y	
105	Donna Sheldon	R	Dacula	Y	
58	Robin Shipp	D	Atlanta	N	
119	Barbara Sims	R	Augusta	Y	
169	Chuck Sims	R	Ambrose	Y	
	Georganna				
60	Sinkfield	D	Atlanta	N	
113	Bob Smith	R	Watkinsville	Y	
70	Lynn Smith	R	Newnan	Y	
131	Richard Smith	R	Columbus	Y	
168	Tommy Smith	R	Nicholls	Y	
129	Vance Smith	R	Pine Mountain	Y	
132	Calvin Smyre	D	Columbus	Y	
161	Mickey Stephens	D	Savannah	N	
164	Ron Stephens	R	Savannah	X	
92	Pam Stephenson	D	Atlanta	E	
145	Willie Talton	R	Warner Robins	Y	
55	Rashad Taylor	D	Atlanta	N	
40	Rob Teilhet	D	Smyrna	N	
100	Brian Thomas	D	Lilburn	N	
104	Lee Thompson	D	Lawrenceville	N	
107	Len Walker	R	Loganville	Y	
3	Tom Weldon	R	Ringgold	Y	
52	Joe Wilkinson	R	Sandy Springs	Y	
49	Wendell Willard	R	Atlanta	Y	
165	Al Williams	D	Midway	Y	
	Earnest "Coach"				
89	Williams	D	Avondale Est	X	
178	Mark Williams	R	Jesup	Y	
4	Roger Williams	R	Dalton	Y	
33	Don Wix	D	Mableton	N	
73	John Yates	R	Griffin	Y	

Y = 107      N = 66

# GEORGIA WATCH AROUND THE STATE



ALLISON WALL TEACHES MILITARY PERSONNEL ABOUT THE THREAT OF ID THEFT AT FT STEWERT, HINESVILLE, GA



JEANNINE MALONE AND ANGELA SPEIR AT THE EAST COBB ROTARY CLUB.



ANGELA SPEAKS AT THE EAST COBB ROTARY CLUB.



JEANNINE, GA WATCH MEMBER GAY PROCTOR AND BETH MALONE IN APPLING, GA



GAY PROCTOR BEHIND THE SCENES OF FORECLOSURE FILM BY DIRECTOR ZACH FRANKEL, APPLING, GA



JEANNINE AND ALLIE VISIT THE CORDELE COUNTY LIONS CLUB.

## ESTABLISHING OUR ROOTS

*Georgia consumers want to know: "Where did accountability go?"*

BY JEANNINE MALONE

Early in the 2009 legislative session, Sen. Bill Cowser (R-Athens) introduced Senate Bill 101, which would have granted Georgia-based drug and medical device makers' full immunity from lawsuits filed by Georgia consumers.

Cowser, a floor leader for Gov. Perdue, claimed that SB 101 would attract pharmaceutical companies and biotech firms to Georgia and create new job opportunities.

As we learned from, Senate Bill 3, the first round of Gov. Perdue's so-called "tort reform" in 2005, the only one who benefits from laws that limit accountability is big business. The state's consumers are left with little or no recourse.

SB 3 was signed into law with the

promise that it would reduce the cost of medical malpractice insurance for doctors who were struggling to stay afloat due to high premiums.

Georgia Watch pays quarterly visits to the Insurance Commissioner's Office to research and review changes in those insurance rates. We've found that there have been very few rate reductions for Georgia doctors of all specialties since the passage of SB 3.

Over four years later, SB 3 has done away with fundamental legal rights for patients, while reducing accountability for doctors and hospitals. But the law failed to reduce the cost of insurance or the cost of healthcare.

GA Watch members Lori Tate and Joe Dipietro experienced first hand

the devastating effects of SB 3. Here, we share their personal stories about the effects of tort reform.

### LORI AND JOSH TATE

On New Years Eve of 2007, Lori Tate brought her 12-year-old son Josh to the Children's Healthcare of Atlanta emergency room. Josh had severe stomach pain, a high fever and was vomiting.

The pediatrician in the ER ordered lab work, which showed a shift in Josh's white blood count and an important protein level that was 14 times higher than normal. These signs should have been a red alert but the ER doctor diagnosed Josh with a stomach virus and sent him home.

Immediately following the holiday weekend, Tate brought Josh to his

CONTINUED ON PAGE 5

# 2009 LEGISLATIVE HIGHLIGHTS

BY DANNY ORROCK



Georgia Watch had its busiest and most successful session yet during the 2009 General Assembly, working on major pieces of legislation that addressed nuclear financing, mortgage lending, accountability for drug makers, health insurance coverage and more.

When the gavel came down for the last time on April 3rd, Georgia Watch walked away with more victories than losses in 2009, and good consumer bills still on the table for 2010.

We've compiled the highlights of the legislative session below. Please watch the mail for our 2009 legislative reference to see how your legislators voted on key consumer issues.

**HB 509: ADDING A CONSUMER MEMBER TO THE STATE MEDICAL BOARD**

Since 2006, Georgia Watch has pushed the legislature to add more consumer members to the State Medical Board – members who work outside the medical profession. Consumer members help balance the interests on the board and improve the representation of average consumers in closed-door disciplinary hearings.

House Bill 509 will increase the size of Georgia's board to two consumer members and 13 physicians, which is comparable to other southeastern states. It passed with little opposition and will be signed into law in June.

**SB 31: PRE-PAYING FOR POWER, TAXES, AND GEORGIA POWER'S PROFITS**

Georgia Power asked legislators for permission to require their ratepayers to start paying down the company's financing debt early on two proposed nuclear reactors at

Plant Vogtle. The reactors won't come online until 2017 or later, though customer rate increases will begin in 2011. This method of pre-financing is called Construction Work In Progress (CWIP).

Under CWIP, ratepayers will be forced to make at least \$2 billion in prepayments for Plant Vogtle.

One-quarter of that actually goes toward paying down the financing costs on the construction debt – about \$500,000.

This CWIP prepayment scheme was written into Senate Bill 31, sponsored by Sen. Don Balfour (R-Snellville). After several re-writes, the bill was fast-tracked to the floor of the House and Senate for a vote, and was the first bill to reach the governor's desk on February 26th. He signed it into law on April 21.

To learn how SB 31 will effect your monthly electric bill and to see how Georgia legislators dropped the ball, see the Director's Chair.

## SB 57: MORTGAGE REFORM

Sen. Bill Hamrick (R-Carrollton) sponsored Senate Bill 57 to address the obvious fraud and profiteering in mortgage loan origination that contributed to the current housing and financial crisis. SB 57 was written to apply to subprime and nontraditional home loans only.

Key provisions of SB 57:

*Bans prepayment penalties on subprime loans.* A high-cost loan should be a bridge to better financing, not an anchor to high-interest debt.

*Bans broker yield spread premiums, or broker kickbacks, on subprime loans.* When brokers lead borrowers to higher interest rates than they really qualify for, the lender pays them a kickback. Therefore, YSPs were an incentives for brokers to make loans more expensive than necessary.

*Requires mortgage brokers to act in the best interest of borrowers.*

*Requires that lenders verify that borrowers have the financial ability to repay the loan.* Income verification is a good example of this, and it can keep borrowers from taking on more loan than they can afford.

SB 57 flew through the Senate, but slowed down in the House in the final days of the session and never made it to the floor for a final vote. The bill will be eligible for action in the House again in 2010.



## HB 169: NOTIFYING LANDOWNERS IN FLOOD AREAS

Rep. Buddy Carter (R-Pooler) filed a bill to help people whose homes or businesses are at risk of being flooded. House Bill 169 would require the Georgia Department of Natural Resources (DNR) to notify landowners if their property is being affected by new changes to flood plain maps used by the National Flood Insurance Program.

The bill would also require DNR to include in the notice information about appealing changes to flood plain maps.

In general, land in the flood plain has a lower property value and needs to be insured under the federal flood insurance program.

HB 169 passed out of the House easily but was amended in several ways on the Senate floor. Georgia Watch supported one amendment which guarantee notice by mail for landowners in the flood plain and flood way.

Unfortunately, the two chambers could not agree on a compromise version to pass. HB 169 will be eligible for action again in 2010.

pediatrician because he was still in a tremendous amount of pain and had lost 15 pounds. When the pediatrician reviewed the ER labs, he knew immediately that Josh did not have a stomach virus and referred him back to Children's Hospital of Atlanta.

Doctors then performed tests that determined Josh would need an appendectomy. Unfortunately, by this time a typical appendectomy was not possible – Josh's appendix had ruptured.

Josh was rushed back to Children's Healthcare of Atlanta for an intervention draining of his abdomen. Had the draining not occurred, Josh may have died from ruptured intestines.

During Josh's hospital stay, he developed kidney stones and had two procedures to prevent kidney failure. All told, Josh had four surgeries and spent 22 days in the hospital.

After more than a year of surgeries, hospital stays, treatments and worry, Josh is a normal kid. But because of SB 3's harsh tort reform provisions, Tate has been unable to hold the ER doctor accountable for the near-fatal misdiagnosis. She continues to worry about the misdiagnosis and how it will affect Josh's health in the future.

The Tate's may never be compensated for the months of physical and emotional suffering caused by that doctor's negligence.

### JOE DIPIETRO

In November 2007, Joe Dipietro was in a head-on collision while traveling down a mountain road in Blue Ridge.

He was taken to a local ER, was dismissed, and went back twice more before he was finally able to persuade the ER doctor to give him a thorough exam.

By the time the proper tests were performed, the ER doctor informed Dipietro that his internal injuries were so serious that he only had a 12 to 24-hour window before complete kidney failure and death.

The hospital life-flighted Dipietro to the University of Tennessee Knoxville Medical Center (UTMC) where he was admitted with acute tubular necrosis (bruised kidneys), a severe concussion and listed in critical condition.

Dipietro spent five days at UTMC, followed by several weeks of recovery. The delay in his treatment not only made his recovery more difficult – it almost cost him his life.

Even today, Dipietro must maintain a strict diet to a prevent relapse and suffers from intense migraines. After his experience, Dipietro has vowed to make the trip to Tennessee for medical care, rather than taking his chances in a Georgia ER.

### A VICTORY FOR CONSUMERS

As evidenced by the Tates' and Dipietro's experiences, tort reform ties the hands of patients who have truly been harmed, and protects negligent medical providers from being held accountable for their actions.

Again with SB 101, Georgia patients would have no recourse for bad drugs and devices marketed by Georgia-based biotech and pharmaceutical industries. To get those legal rights back, patients would have no choice but to travel to other states for medical procedures.

Gov. Perdue and Sen. Cowser claim that more tort reform such as SB 101 would bring jobs to Georgia. But Michigan – the only other state with a similar law – has the worst economy in the nation.

In fact, since the Michigan law was enacted in 1990, a large Pfizer plant in Kalamazoo closed and another in Ann Arbor downsized.

For now, SB 101 is dead. The Senate Economic Development Committee held two hearings on the bill and then voted it down four to seven. Georgia Watch will continue keep an eye on these types of laws in the courts and state legislature.

For more info please contact Georgia Watch at 1-866-33-WATCH.

## FACT BOX:

### STIMULUS MAY EXPAND HEALTH CARE FOR LAID-OFF WORKERS

Have you been laid off?  
Did you lose your employee health insurance?  
Are you now covered under COBRA?

Typically, coverage under COBRA lasts no more than six months. However, the stimulus package includes a 65 percent subsidy for the continuation of COBRA coverage for workers who were laid off. Coverage can last up to nine months.

## FACT BOX:

### FORECLOSURE PREVENTION RESOURCES

**HOPE NOW** – HUD-approved counseling agents, mortgage companies, investors and other mortgage market participants that provide free foreclosure prevention assistance.

888-995-HOPE or [www.hopenow.com](http://www.hopenow.com)

**REVERSE EQUITY MORTGAGE COUNSELING** - Available 24 hours, HUD-trained counselors offering mortgage default and delinquency counseling.

1-800-251-cccs or [www.cccsatl.org](http://www.cccsatl.org)

**HOMEOWNER AFFORDABILITY AND STABILITY PLAN** - Treasury Secretary's plan to restore stability to our financial system by helping families avoid foreclosure. Counselors are available to assist customers for free.

1-800-225-5342 or [financialstability.gov](http://financialstability.gov)

**AVOID FORECLOSURE RECOVERY SCAMS** – Never give money to firms claiming they can stop foreclosure. Signing a contract with them is akin to signing over the title to your property. Get advice from an attorney, a trusted real estate professional, or a HUD-approved housing counselor before signing any documentation. [www.hud.gov](http://www.hud.gov)