

Doctors and Malpractice Insurance

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There is another side to the story that is not being told, or at least not loudly enough. The medical malpractice insurance crisis should be viewed as a matter between two powerful interest groups: doctors and insurance companies. Don't take it out on the little people.

Medical malpractice is the eighth leading cause of death in America. It kills more people than A.I.D.S., breast cancer or automobile accidents. In 1999, the Institute of Medicine reported that up to 98,000 patients die, and many more are injured as a result of errors that could be prevented. That translates to 268 deaths a day. Imagine one jet holding 268 people crashing every day of the year.

Insurance premiums are high because of bad insurance company practices, a down turn in the economy and bad investments. Not only is doctors' insurance rising, but even before September 11, 2001, insurance premiums were rising in most business coverage areas.

Doctors are screaming for "tort reform." **But** the American Insurance Association in a March 13, 2002 press release publicly admitted that caps on damages **will not** result in insurance premium savings! In addition, a leader of the American Tort Reform Association also admitted that tort reform will not result in lower insurance rates. ("Tort Reforms Don't Cut Liability Rates, Study Says," published in Business Insurance, July 19, 1999).

The American Medical Association states that doctors in California, a state that puts caps on pain and suffering at \$250,000, pay twenty percent (20%) more for medical malpractice coverage than the national average.

So, what is the answer? Instead of limiting responsibility and creating special protection

for special classes of people, such as doctors, hospitals, drug companies and the like who commit medical mistakes, [like a doctor who leaves a medical appliance in a surgical patient or companies that make dangerous drugs such as Fen Phen], personal responsibility must be the standard. Doctors are responsible for their mistakes just like everyone else. Insurance companies should be federally regulated and overseen to protect us from business practices that are not only bad, but are sometimes criminal. Consumers should have a system where they can check to see what doctors are error prone.

Finally, for those who are not persuaded that limiting patient rights will not result in lower doctor premiums, let me ask you this. Since limited tort automobile insurance has been introduced to Pennsylvania, has your car insurance gone down?