



**A Coalition of 13 Medical Societies Representing  
200,000 Specialty Physicians in the United States**

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## **PATIENT CARE AFFECTED AS BATTLE OVER MEDICAL LIABILITY REFORM CONTINUES**

### ***Specialty Physicians Testify about Crisis' Impact at Energy & Commerce Hearing***

Washington, DC - The Alliance of Specialty Medicine testified today about the devastating effects the medical liability crisis is having on patient access to specialty healthcare and urged the Congress to pass medical liability reform this year. Since the House Energy and Commerce Health Subcommittee considered this issue two years ago, the House of Representatives has passed the HEALTH Act twice, the President has repeatedly called for reforms, but similar legislation has been obstructed in the Senate.

"We have reached a very important juncture in the evolution of the U.S. healthcare system," said James R. Bean, MD, a practicing neurosurgeon from Lexington, Kentucky, who testified on behalf of the Alliance. "At a time when lifesaving scientific advances are being made in nearly every area of healthcare, patients across the country are facing a situation in which access to healthcare is imperiled. Thus, as Congress deliberates the many facets of this issue, the Alliance urges Members to continue to keep in mind that this issue is not about doctors, lawyers and insurance companies. Rather, it is about patients and their ability to continue to receive timely and consistent access to quality medical care."

Because of the medical liability crisis, one in seven obstetricians has stopped delivering babies, leaving thousands of pregnant women searching for a doctor to deliver their babies; 55 percent of orthopaedic surgeons avoid certain high-risk procedures; 75 percent of neurosurgeons no longer operate on children; and 41 percent of urologists refer complex cases.

"The elderly are particularly affected as decreases in reimbursements for complex medical procedures have declined to the point where Medicare no longer even covers the cost of medical liability insurance," Dr. Bean said. "Specialists with a high volume of Medicare patients, such as cardiologists and cardio-thoracic surgeons, and their patients who need high-tech, lifesaving

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heart therapy, will feel the effects of the crisis.”

Americans in need of emergency services are particularly at risk.

“The liability crisis is now severely straining our nation’s already stressed emergency medical system as patients who have no access to doctors inevitably end up on the emergency department’s doorsteps, further exacerbating the hospital emergency overcrowding problem,” Dr. Bean said.

To secure affordable medical liability insurance or to minimize their risk of lawsuits, many physicians, including neurosurgeons, orthopaedic surgeons, cardiothoracic surgeons, obstetricians and cardiologists are no longer serving “on call” to hospital emergency departments. In fact, more than one-third of neurosurgeons have altered or stopped their emergency and/or trauma call and more than 21 percent of orthopaedic surgeons have done the same. As a result, patients in need of those services must be transferred to other facilities, delaying care and increasing costs. Trauma centers have sometimes been forced to close in Arizona, Florida, Nevada, Maryland, Mississippi, Ohio, Pennsylvania, Texas and West Virginia because of the crisis.

During the testimony, the Alliance urged Congress to pass legislation that incorporates a \$250,000 cap on non-economic, pain and suffering damages, as was included in the HEALTH Act. The few states that have caps, including California, have significantly more doctors available to treat patients because professional liability premiums have been stable. This allows physicians to continue to provide a full array of healthcare services. The Alliance, and other witnesses, provided a plethora of evidence demonstrating that large and rising jury awards are fueling the crisis and that caps have worked to hold down excessive judgments in several states. In addition, contrary to common belief, the Alliance provided evidence that children and stay-at-home mothers, who have received awards of up to \$84,250,000 in California, are fully compensated even with the cap on non-economic damages.

“Detractors of federal reform legislation are attempting to obfuscate the facts by scaring the public and policymakers into believing that injured patients will only receive a maximum of \$250,000 to compensate them for their injuries. This is simply not the case,” Dr. Bean said. “The truth is that MICRA, and other similar laws, work. For nearly three decades, this law has ensured that legitimately injured patients get unfettered access to the courts and receive full compensation for their injuries while at the same time providing stability to the medical liability insurance market to ensure that doctors can remain available to care for their patients.”

“National polls consistently find that three-quarters of Americans want Congress to pass reform legislation that includes a cap on noneconomic damages,” Dr. Bean noted. “Congress should heed the call and pass medical liability reform this year.”

*The Alliance of Specialty Medicine is a non-partisan group based in Washington, DC, representing over 200,000 in 12 medical specialties and dedicated to the development of sound federal healthcare policy that fosters patient access to the highest quality specialty care. Additional information can be found at [www.specialtydocs.org](http://www.specialtydocs.org)*

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