

Alvord, TX
Alvord Gazette
Circ. 585
MAY 5 - 2003

Texas Medicine in Critical Condition

Report Released Today Outlines Prescription for Health Care

AUSTIN, Texas - With some of the medical profession's most recognizable faces in attendance, the Texas Public Policy Foundation today unveiled its newest research report, "Critical Condition: How Lawsuit Abuse Is Hurting Health Care & What Texans Can Do About It."

As the first US surgeon to successfully perform a heart transplant and implant an artificial heart, Dr. Denton Cooley said during the press conference that he fears many physicians are staying away from "the more challenging fields." He serves as president and surgeon-in-chief of the Texas Heart Institute, and has practiced medicine for 50 years.

"I don't want to be forced out of medicine because of the medical liability issue," added Cooley.

The Foundation's report identifies lawsuit abuse as having a severe negative impact on the ability of doctors to practice medi-

cine and on the care patients are receiving. The report was authored by: TPPF's Director of Research Chris Patterson; registered nurse and medical malpractice defense attorney Colleen Whalen; and, Baylor economist John Pisciotta. The full report is available at www.TexasPolicy.com.

Dr. James H. "Red" Duke said that Texas physicians increasingly resort to "defensive medicine" to protect themselves from "this axe hanging over our heads." Dr. Duke, a trauma surgeon, is one of Texas' most recognizable doctors, having spent much of his career educating the public on medical issues for television programs broadcast nationwide. He also noted Texas is experiencing a shortage of physicians, especially those in specialized fields such as neurosurgery. "We don't have enough to go around."

Even medical liability lawsuits

eventually dismissed with no payment to the plaintiff cost \$23,000 to defend, according to the report. Over the last 10 years the size of awards from medical liability suits has increased 500 percent in Texas, while the number of medical liability cases filed in Texas is doubling every five years. Meanwhile, hospitals are cutting back on services to limit their exposure to lawsuits.

"The greatest increase in awards is coming in the form of non-economic damages, which are highly subjective," said Whalen, adjunct professor of medical legal issues, State University of New York. "According to data provided by the Texas Department of Insurance, a \$250,000 cap on these awards could reduce Texas doctor's insurance premiums by 17 to 19 percent."

As the cost of liability insurance goes up, more physicians leave medicine and put themselves at risk of not receiving needed medical care, said Dr. Charles Bailey, Jr., president of the Texas Medical Association, who is also a lawyer.

"This issue is not about doctors or lawyers, it is about people and patients," said Bailey. "Will it compensate me as a plaintiff for my personal loss to compound these problems of others by making access to care unavailable to (those who need it)? It does not make sense to destroy other lives in an attempt to create the perfect world."