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Check with your doctor, Texans can cure medical crisis

BY COLLEEN WHALEN

FOR TEXAS PUBLIC POLICY FOUNDATION

Getting a second opinion is always a good idea, particularly when you have a serious medical problem. Today, Texans are suffering from a serious lack of medical care. The American Medical Association says the physician shortage has reached crisis proportions in Texas and lives are in peril.

We have very similar problems in New York State, where I am both a practicing nurse and medical defense attorney. But in Texas, you have the opportunity to solve this problem.

The Texas Legislature recently passed comprehensive reforms aimed at helping alleviate this medical crisis. It has been left to voters, however, to decide the fate of a constitutional amendment that will go

a long way in helping your state attract and keep good doctors. Texas trial lawyers, however, are urging Texans to vote against it.

Who's right? Is Proposition 12 good medicine for Texas? I urge you to ask your doctor for an opinion.

Your doctor will tell you Texas has one of the most severe doctor shortages in the nation. Thirty years ago, the state enjoyed the same coverage of medical care as the rest of the nation. But by 2002, there were only 64 general practitioners to care for every 100,000 Texans. In most other states, there are 120 to 135 doctors for every 100,000 people. Only Missouri and Oklahoma have fewer doctors for their citizens.

Texas' doctor shortage is only getting worse as a growing

medical liability insurance. Despite dire predictions by trial lawyers, medical care has not deteriorated in states with caps; the number of medical complications and death rates remain unchanged. Best of all, states with caps are home to 12 percent more doctors than states without caps.

Caps are undeniably effective. But Texas trial lawyers are urging voters to say "no" to Proposition 12. They say caps will undermine patient rights to secure just compensation for injuries.

This claim was soundly refuted by Texas Senator Bill Ratliff in a commentary published throughout the state. Caps do not limit the amount of lost wages, past and future, patients and their families can recover. Nor do caps limit how much

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number of Texas' doctors are retiring or moving away.

Your doctor will tell you the shortage is caused by the high cost of medical lawsuits and liability insurance. Doctors in Texas pay more for insurance than in most other states, and the cost has doubled over the past three years. In that same time, the likelihood a doctor will be sued has doubled.

Today, almost half of all doctors in Texas have malpractice claims filed against them, although nine of 10 claims are dismissed as unfounded.

While the cost of liability insurance is driving many doctors out of business, it's not the only reason for the doctor shortage. Many doctors are simply leaving the profession

because they can no longer afford to practice good medicine. Many doctors worry the quality of their care is damaged by extra, unnecessary tests and medications prescribed to avoid potential malpractice claims.

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Your doctor will tell you frivolous lawsuits will stop — and the high cost of liability insurance will fall — if there is a limit on the amount of money that can be awarded to patients and their families for "pain and suffering," the non-economic damages that are crippling Texas medicine.

A recent report by the U.S. Department of Health and Human Services says the 24 states with caps on non-economic damages have decreased the number of frivolous lawsuits and lowered the price of

one can recover for past or future medical expenses. As noted by Sen. Ratliff, a cap on non-economic damages does not lessen any Texans' right to just compensation for injuries.

What's the remedy for Texas' medical crisis? Ask your doctor. And when you do, ask where she or he will be practicing medicine if Texans don't vote to approve Proposition 12 on Sept. 13th.

Proposition 12 is good medicine for Texas.

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