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Kingwood, TX

Kingwood Observer

Circ. 19500

OCT 29 2003

Naysayers proved wrong after election

It may well be the best-kept secret in Texas: the cost of medicine is going down. This shouldn't be a surprise. When Texans voted to limit noneconomic damages in medical liability cases, this is the outcome they were expecting.

The Houston Business Journal recently reported that the Texas Medical Liability Trust — one of the state's largest insurers for medical liability — will be cutting rates by 12 percent come Jan. 1. Other insurers have announced they are going to be doing likewise.

The Texas Department of Insurance had previously predicted the drop would be between 8.5 percent and 11.5 percent.

But don't expect opposition to the reforms to admit they were wrong about Proposition 12, the tort reform measure that reasonably capped awards for noneconomic damages. The state's trial lawyers funded a massive effort to defeat the reforms at the ballot box. After all, many of trial lawyers had made out like bandits before the reforms went into effect.



My Turn

Guest columnist

Brooke Leslie Rollins
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What they destroyed in the process, of course, was the access Texans deserve to decent medical care. By driving up awards for damages that are inherently indefinable, these lawyers had enriched themselves but created a system that made it extremely expensive to practice medicine with even an impeccable record.

Insurers had become so gun-shy that most companies writing policies just 10 years ago now refuse to do business here, driving costs up even further. These costs, in turn, drove a great many doctors out of the profession — or at least out of Texas.

So when Texans voted for Proposition 12, it was to do precisely what we're

seeing happen — to reduce the cost of doing business in Texas so that care is more readily available. Unfortunately, the damage done by predatory lawsuits over the last several decades will not be as quickly repaired as the adjustment in malpractice insurance rates.

It is still the case that most Texas counties do not have an obstetrician because lawyers have basically run them out of business. And people in much of south Texas can still expect shortages in specialized emergency care for some time to come.

But the decision by insurers to lower rates is a good indication that relief is in sight. With lower rates and a more even playing field, doctors will be drawn back to Texas to practice their craft.

Prop 12 is already proving what we all knew: capping noneconomic damages is good medicine for Texas.

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