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## Editorials

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### Texas got serious about health care

IN the last three years, about 7,000 physicians have flooded into Texas. The influx has been so dramatic that the Texas Board of Medical Examiners needed an emergency appropriation to process a backlog of 3,000 applications for licenses to practice.

"Now many of the newly arriving doctors are heading to rural or underserved parts of the state," wrote Joseph Nixon, a senior fellow at the Texas Public Policy Foundation, in *The Wall Street Journal*.

"Four new anesthesiologists have headed to Beaumont, for example," he wrote. "Meanwhile, San Antonio has experienced a 52 percent growth in the number of new doctors."

This is the kind of news that medically underserved West Virginians have long wanted to hear.

Texans produced these results by changing the legal climate in which doctors and hospitals operate.

In 2003, Texas installed two simple reforms.

Like West Virginia, it capped malpractice awards for non-economic damages at \$250,000. Furthermore, it changed the burden of proof for claiming injury in emergency room care from simple negligence to "willful and wanton neglect," and required claimants to submit a letter of support from an independent medical expert.

The savings cut costs and allowed hospitals to increase the amount of money available for charity care. Nixon said Christus Health, a nonprofit statewide Catholic health system, saved \$100 million in four years - money it reinvested in helping poor patients.

Texas also adopted a multidistrict approach to asbestosis and silicosis claims, consolidating pretrial discovery and evidence rulings with one judge. That promotes consistency and discourages "venue shopping" for tort-friendly districts.

Texas also established minimum medical standards for asbestosis, and required a showing of diminished lung capacity in addition to X-rays indicating disease.

Of the 85,000 asbestos plaintiffs in Texas, only 300 have been certified ready for trial; no one else has filed a pulmonology report establishing diminished lung capacity.

"This means that only one-third of 1 percent of all those people who have filed suit claiming they were sick with asbestosis have actually had a qualified and impartial doctor agree that they have an asbestos-caused illness," Nixon wrote.


In four years, the court has certified only 29 of the 4,000 to 6,000 silicosis plaintiffs in Texas - again, less than 1 percent - as having diminished lung capacity.

States make their own economic futures.

West Virginia should do as much as it can to allow growth to occur - as rapidly as possible, not as slowly as possible.

Sensible policies can pay off handsomely, and West Virginians are ready for that.

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