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WEEKLY AD PHOTOS VIDEOS BLOGS

News

Page Six

Sports

Entertainment



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Thanks for the doctors, New York

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By JOSEPH M. NIXON
Last Updated: 12:18 AM, August 17, 2011
Posted: 10:17 PM, August 16, 2011

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Dr. Jackeline Pilar Villalobos was one of Brooklyn's few female English and Spanish-speaking obstetricians. She loved the city and her patients, and never wanted to leave -- but 18 months ago, she moved to Houston, where we're delighted to have her.

Villalobos' journey to Texas began in 2003, when our Legislature reformed Texas' legal system -- including sweeping medical-malpractice reforms. Back then, doctors in New York and Texas were paying about the same for medical-liability insurance. In Villalobos' case, it was more than \$100,000.

But under the Texas reforms, rates immediately began to fall -- 15 percent in the first year alone. Since 2003, medical liability rates in New York have increased more than 60 percent; in Texas, they've dropped by 54 percent.

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m was \$186,000 -- with a rate hike of 5 percent to 12 percent on delivering as many as 10 babies a day, she couldn't practice enough medicine to even cover her cost of doing business.

ook a second job in a free clinic so that the clinic would help pay the insurance premiums -- and she went to Albany to explain the need for lawsuit reform.

New York, finally told her to "pack her bags and go" -- the trial bar lbany, she warned; the law will never change. Reluctantly, Villalobos left for Texas.

us. Along with her family, she brought her best friend and fellow ogether, they've opened two offices and hired six employees; their practice is thriving.

According to the Texas Medical Board records, we've picked up 1,271 New York physicians since September 2003, when Texas voters approved the Proposition 12 medical-liability reforms.

Overall, our state has nearly 26,000 more physicians than the 33,000 in practice pre-Prop 12. The vast majority moved from other states.

Meanwhile, New York has used tax dollars to create a "Patient Compensation Fund" as a type of malpractice coverage and a way of inducing physicians to stay in New York. It's not working -- frivolous suits have not abated; it's just more money flowing to the plaintiff's bar, this time from the taxpayers.

How have the two approaches fared? According to State Health Facts, a project of the Henry J. Kaiser Family Foundation, the total amount paid in medical-malpractice claims in 2009 was almost eight times higher in New York than Texas, with the average New York payment nearly three times higher.

Needless to say, that is hugely important to a medical provider's bottom line. But for a patient in need of medical care, it's not a lawsuit that matters. It is the individual care and concern of their doctor they seek -- like Villalobos, now caring for women in Texas. That's the real impact of good legal reform -- the skillful care provided by 26,000 extra doctors.

By the way, charity care is also up by more than \$500 million a year, and we've seen well over \$7 billion total in medical-facility development and expansion.

The Texas Medical Board estimates that, because of Proposition 12, Texans have more than 2 million added patient visits a year. This is an enormous increase in actual care, and demonstrates the difference that fair courts and laws make in the delivery of health care.

Your Gov. Cuomo was both smart and brave to raise the issue of medical-malpractice reform this spring. As long as your lawmakers continue to slam the door on conscientious medical providers like Dr. Villalobos, the welcome mat is out for them in Texas.

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Joseph M. Nixon, the author of *Texas' Prop 12*, is of counsel with Beirne, Maynard & Parsons, LLP, and a senior fellow with the Texas Public Policy Foundation.

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Charles Peckham · The University of Texas at Austin

Nice try, Joe to explain away your failures as a legislator. There is a reason why doctors now maim and kill with impunity in Texas. Further, there is a great dearth of qualified doctors throughout all but the urban centers in Texas. Great work, Joe. The people of Texas justifiably turned you out on your ear for your efforts to harm them for the benefit of insurance companies.

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Jerry Andrews · Dallas, Texas

Wow, talk about putting lipstick on a pig! How about the fact that many of the doctors who have come to Texas have been run out of their state for maiming and killing patients too frequently. They come to Texas to practice where they know that the legal system will NEVER hold them accountable. The incidents of medical malpractice are up, up and up ever since the steaming pile of garbage erroneously called "tort reform" was sold like snake oil to Texans. Hey, at least insurance company profits are through the roof since they don't have to for the losses caused by the types of doctors relocating to the land where they can't be held accountable for their actions. Fine job Joe.

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