

THE FACTS ABOUT MEDICAL MALPRACTICE IN PENNSYLVANIA

According to recently released data, Pennsylvania's medical community continues to ignore Here are the facts about medical malpractice in Pennsylvania:

- 1) **There is no widespread exodus of physicians from Pennsylvania – something even the Pennsylvania Medical Society admits – and we have more doctors today than we did in 2000.** The claim that there was ever a widespread exodus of physicians from Pennsylvania has been debunked by newspapers including the *Allentown Morning Call* and the *Harrisburg Patriot News*. In fact, according to the *Patriot-News*, there are more doctors practicing in Pennsylvania today than there were in 2000 – before the supposed “crisis” began. Confronted with the fact that not only was there no exodus, but that the number of physicians may actually have INCREASED in Pennsylvania, a spokesman for the Pennsylvania Medical Society said “We never said doctors in general are leaving.” The spokesman was unable to explain why the Medical Society ran ads asking, “Will the last doctor leaving Pennsylvania please turn off the X-ray machine?” [Allentown Morning Call, 4/24/04, Harrisburg Patriot News, 8/4/04]
- 2) **The number of malpractice lawsuits has dropped 34 percent since reforms were enacted -- but premiums continue to climb.** In response to the medical community's cries for help, the Legislature enacted a number of changes to the medical malpractice system over the last few years. Even Senator Robert Jubelier has said, “There is no such thing as a frivolous lawsuit anymore, you can't [venue shop] anymore. We've done a lot.” And it is clear these changes are having an impact. The number of medical malpractice lawsuits filed in Pennsylvania in 2004 was 34 percent lower than in the years before the changes. Nonetheless, many insurance carriers continue to raise rates on Pennsylvania physicians. [Jewish Exponent, 4/1/04; Associated Press, 3/19/04; Patriot-News, 4/12/05]
- 3) **Physicians have received at least \$1 billion of public subsidy to pay their insurance premiums.** Physicians have received an unprecedented amount of taxpayer subsidy -- \$1 billion and counting. This includes MCare abatements for 2004, 2005 and 2006 and transfers from the Auto CAT fund to the MCare fund as part of Act 13. This subsidy comes at the same time other critical public needs are struggling for support. [Associated Press, 11/20/04]
- 4) **Decision makers still lack basic information about medical malpractice.** Despite three years of claims that payments for non-economic damages was causing massive hikes in premiums, the fact is that no agency or entity collects information about how much is paid out in non-economic damages annually, how many of those judgments are above \$250,000 or even what percentage of total payments for medical malpractice are comprised of compensation for non-economic damages. Therefore, it is impossible to make the claim that non-economic damages are driving up rates.
- 5) **Patients have limited information about medical errors or the quality care their physicians provide.** There is a nationwide epidemic of preventable medical errors which may kill as many as 195,000 patients annually according to independent research. Yet the medical community has consistently fought efforts to fight medical errors and greater disclosure of physicians' records, which protects even bad doctors. [Health Grades, “Patient Safety in American Hospitals”, 7/04]