

America's medical liability crisis

We all pay for the broken system.

Access to care in jeopardy

One in seven obstetricians no longer delivers babies:

Rising liability insurance costs, combined with the increased fear of being sued, is driving America's ob-gyns to stop delivering babies (American College of Obstetricians and Gynecologists, Medical Liability Survey, July 19, 2004).

Nearly half of America's counties lack an ob-gyn:

Of 3,143 counties in the nation, 1,541 do not have a practicing ob-gyn to deliver needed care (AMA Master File, 2004).

75 percent of neurosurgeons no longer operate on children:

Of neurosurgeons limiting their services due to the liability crisis, 75 percent no longer operate on children. The nation's medical liability crisis also has caused 55 percent of orthopaedic surgeons to avoid certain high-risk procedures, including 39 percent who no longer perform spine surgery (Alliance of Specialty Medicine, Feb. 17, 2005).

Excessive meritless lawsuits against neurosurgeons and ER physicians threaten access to emergency care:

Each year, medical liability lawsuits are filed against 50 percent of neurosurgeons and nearly 25 percent of the nation's ER physicians. As a result, some trauma centers must transfer complex cases, are "downgraded" in the care they can provide, or are forced to close (*Archives of Internal Medicine*, June 14, 2004; American College of Emergency Physicians, February 2004).

48 percent of students base their future on liability concerns:

Almost half of America's medical students in their third or fourth year of medical school indicate the liability crisis was a factor in their choice of specialty, threatening America's future access to high-risk medical services such as surgical and obstetrical care (AMA Division of Market Research and Analysis, November 2003).

Meritless lawsuits cost everyone

125,000 lawsuits currently in the system: On any given day, this is a conservative estimate of the number of active lawsuits against physicians—a number almost twice as large as the number of medical students (AMA Analysis, *Journal of the American Medical Association* Medical Education edition, 2005).

75 percent of medical liability claims are closed with no payment: Overall, 75 percent of medical liability claims are closed without payment to the plaintiff. Of the cases that do go to trial, physicians are found not to be negligent 83 percent of the time (Physician Insurers Association of America, 2005).

Nearly \$94,000 per case spent to defend against meritless cases at trial:

Physicians who win at trial still have large fees to pay for their legal defenses. The average defense costs for these cases average nearly \$94,000. And, in cases where the claim was dropped or dismissed, costs to physicians average nearly \$19,000 (Physician Insurers Association of America, 2005).

79 percent of physicians practice defensive medicine

because they fear lawsuits: Fear of being sued causes 79 percent of physicians to order more tests because of concerns about potential medical liability lawsuits, resulting in increased health care costs ("Fear of Litigation Study: The Impact on Medicine," Common Good, April 11, 2002).

\$70-\$126 billion per year could be saved on defensive medicine:

This is an estimate of the savings that would result from enacting reasonable medical liability reforms ("Addressing the New Health Care Crisis," U.S. Department of Health and Human Services, March 2003).

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America's medical liability crisis *continued...*

Proven solutions

30+ years of success show California MICRA law works:

The AMA remains strongly committed to the enactment of comprehensive federal medical liability reforms based upon California's proven reforms, known as MICRA. MICRA has resulted in improved patient access to care and has stabilized California's medical liability insurance premiums. In California, medical liability premiums increased only 282 percent between 1976 and 2003. In the rest of the nation, premiums grew by 920 percent (National Association of Insurance Commissioners, 2004).

74 percent of Americans support reforms: Nearly three out of four Americans support a federal law to limit the amount a jury can award to compensate for pain and suffering in a medical liability lawsuit (Newhouse-Frederick, January 2005; Harris Interactive, March 2005).

Immediate action is needed to end the medical liability crisis and protect America's access to health care. Urge your senators and representative to pass proven federal medical liability reforms for all physicians!

