Abstract

Physician Liability Insurance (PLI) reform has been a contentious issue for at least three years. Legislation desired by physicians has repeatedly not been enacted into law by the legislature. The Governor and the General Assembly both desire to reform the current situation, but remain at odds regarding major provisions and methods of funding. Patients wonder whether they will be able to find affordable quality health care.

Physicians claim increased costs force them to relocate to areas with lower rates, to restrict the range of medical services they offer, and even to cease the active practice of clinical medicine. Access to care decreases as a result. Physicians and malpractice insurance carriers blame increases on higher malpractice awards, judgments, and settlements. Lawyers counter that increases in malpractice premiums are due to the insurance economic cycle, to poor stock market returns, and the insurance carriers’ need to offset investment losses. Data shows malpractice award losses by the insurers has been the underlying cause of increases in medical liability insurance rates.

Patients need access to primary and specialist care. Recommendations for PLI reform include the establishment of a special medical malpractice court; defining expert witnesses; delineating attorney’s fees; payments for economic and non-economic damages; and limits on insurance rate increases.