

## REBUTTING THE MISINFORMATION ON TEXAS MEDICAL LIABILITY REFORMS

### 1. CONTENTION:

There was no medical liability crisis in Texas.

#### **FACT:**

**Frequency, severity, defense costs, average settlement and total payouts were all rising simultaneously.**

According to the state's largest physician liability carrier, in the three-year run-up to reform:

- Total payouts increased 94%
- Defense costs increased 55%
- The average settlement increased 34%, and
- The combined cost of defense plus payouts increased 81%

Not surprisingly, doctors saw their liability premiums double within the span of four years. Many hospitals saw their liability costs jump 50% in a single year. Half the state's nursing homes could not find or afford liability coverage. The number of physician liability carriers dropped from 17 to four.

### 2. CONTENTION

Doctors were not leaving the state.

#### **FACT:**

**The ranks of high-risk specialists such as obstetricians, orthopedic surgeons and neurosurgeons were dwindling. Many physicians were restricting their practice or steering clear of the emergency room due to liability concerns.**

[Neurosurgeons](#)

[Obstetricians](#)

[Orthopedic Surgeons](#)

### 3. CONTENTION

Texas doctors have seen no rate relief since the passage of reforms five years ago.

#### **FACT:**

**Twenty-four rate cuts have been implemented since the passage of reforms saving Texas doctors a combined \$574 million in premiums. Eighty-five percent of the state's doctors have seen their premiums slashed 30 percent or more.**

4. CONTENTION

Lawsuit reform has done nothing to lower health care costs or benefit the patient.

**FACT:**

**As a result of reform, doctors are bringing critical specialties to underserved areas of the state. More patients are able to get the timely specialized care they need closer to home. Patients are no longer fearful of losing their doctor and in most instances can get a doctor's appointment quicker than in the pre-reform years. Hospitals are buying new equipment, and launching new patient services and safety programs. Charity care has increased 24 percent. Patients were promised improved access to care not reduced health care costs.**

5. CONTENTION

Since the passage of reform, Texas has seen only marginal growth in its number of physicians.

**FACT:**

**Doctors are flocking to Texas attracted by our growing population, our sound economy, and our sensible liability laws. License applications are flooding the medical board at historic levels. Doctors are arriving from all parts of the country.**

**Doctors Move into Texas**  
[New Physician Applications Received](#)  
[Newly-Licensed Texas Physicians](#)

- **The state has licensed a record number of doctors each of the past two years.**
- **Since the passage of reforms the state has experienced a net gain of 49 neurosurgeons, 192 obstetricians and 220 orthopedic surgeons.**
- **The number of geriatricians serving our seniors and specialists caring for our infants has doubled in the past five years.**
- **Since the passage of reforms, a dozen counties that lacked an obstetrician now have one. Twenty-four counties that lacked an emergency care doctor now have one. In all, 76 Texas counties have seen a net gain in ER doctors.**

6. CONTENTION

Physician growth has not kept pace with population growth.

**FACT:**

**The growth in the physician workforce has outpaced population growth in virtually every quadrant of the state.**

- **In Houston's Harris County, the growth in the physician workforce has outpaced population growth by 88%.**
- **In Dallas County, the growth in the physician workforce has outpaced population growth by 721%.**

- **In San Antonio's Bexar County, the growth in the physician workforce has outpaced population growth by 72%.**
- **Even in border cities like El Paso and McAllen, the growth in the physician workforce has far exceeded population growth.**

7. **CONTENTION**

All of the new doctors are moving to the metropolitan areas of the state.

**FACT:**

- **Twelve rural Texas counties have added at least one orthopedic surgeon including seven that previously had none.**
- **Of the 46 counties that have added an orthopedic surgeon, eleven are medically underserved and twenty-six are partially medically underserved.**
- **Five Texas counties have recruited their first neurosurgeon.**
- **Sixteen of the 22 Texas counties that have added a neurosurgeon are partially medically underserved and four are medically underserved.**
- **Twenty-four rural Texas counties have added an obstetrician.**
- **Of the 52 Texas counties that have seen a net gain in obstetricians, 23 are medically underserved and 21 are partially medically underserved.**

8. **CONTENTION**

Texas has become a national dumping ground attracting every derelict doctor in America.

**FACT:**

**The state's licensing standards are high and they've been raised not lowered since the passage of reforms. One-tenth of one percent of all new physicians have been subject to disciplinary actions, with none accused of harming patients.**