

AMA takes Texas off its liability crisis list

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AUSTIN — Limits on lawsuit damages passed by the Legislature in 2003 have resulted in Texas being dropped from a list of states in medical liability crisis, the American Medical Association said Monday.

The medical group said malpractice claims are down and physician recruitment and retention are up, particularly in high-risk specialties. Rate cuts announced by five of the largest insurers in the Texas market will save doctors about \$50 million, the AMA said.

Alex Winslow, executive director of Texas Watch, which opposed the lawsuit limits, said patients still face a “safety crisis.”

“Just because Texans have lost their legal rights doesn’t mean there is any less medical malpractice,” said Winslow.

Texas voters in September 2003 approved a constitutional amendment to eliminate potential court challenges to the law that limited damages for pain and suffering to \$750,000 with no more than \$250,000 coming from any one hospital or nursing home. The law does not limit measurable economic damages such as lost wages.

Malpractice lawsuits in Harris County have dropped to about half of what they were in 2001 and 2002, according to the district clerk’s office. There were 204 such cases filed in 2004, compared with 441 in 2001 and 550 in 2002. There were 1,154 lawsuits filed in 2003, attributed to attorneys trying to file before the new law took effect.

Since the passage of the legislation, Harris County has seen a net gain of 689 physicians, an 8.4 percent increase, according to the Texas State Board of Medical Examiners.

The physician-run Texas Medical Liability Trust, the state’s largest liability carrier, has reduced its premiums by 17 percent and other carriers have cut rates slightly, said Robert Gunby Jr., president of the Texas Medical Association.

Winslow said that an Office of Patient Protection created in the wake of last session’s lawsuit limits has lost its funding in this year’s legislative budget. He said the six-person agency helped patients through the complaint process at the medical examiners board.

“The one bone that patients got last session just got taken away from them,” said Winslow.