

More high-risk doctors are flocking to Texas

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[High-Risk Specialist-PDF](#)

Tim Seay, president of Greater Houston Emergency Room Physicians, had grown accustomed to unsuccessfully begging physicians to come to the Houston area. That was before Texas passed health care liability reform in 2003.

The reforms, aimed at reducing the number of lawsuits filed against doctors and hospitals and the size of jury awards, capped non-economic damages at \$250,000 per physician or hospital. New information shows Texas in general, and Houston in particular, is greatly benefitting from these reforms.

“I never had much luck recruiting physicians,” he said. “It’s a lot easier now. My business wouldn’t have been able to survive without the medical liability reform.”

Indeed, Seay’s business, which opened in 1998 and staffs area emergency rooms with physicians, had its best year ever in 2011. Seay was able to recruit 22 new doctors, bringing his staff total to 120 doctors, a 15 percent increase.

“It’s a very substantial difference,” he said. “No one wanted to come here and work under the terrible circumstances before the reform passed.”

Proponents of the reforms argued that the legal environment in Texas had caused medical liability insurance premiums to soar and had severely limited health care available to Texans. Prior to the passage of the reforms, Texas physicians had reported significant cutbacks in services they offered to their patients. Many physicians refused to accept patients with complex or high-risk problems, referring them to an increasingly shrinking pool of specialists in tertiary-care centers.

“Since the passage of the reforms, there are 966 more high-risk specialists practicing in Harris County, and the ranks of those specialists are growing at twice the rate of population growth,” said Jon Opelt, director of the Texas Alliance For Patient Access.

There are nearly 5,000 more in-state physicians today than would likely have occurred without medical lawsuit reforms for liability insurance, according to the Dynamic Growth in the Texas Physician Workforce study, conducted by the Austin-based Texas Alliance For Patient Access, a statewide coalition of doctors, hospitals, clinics, nursing homes and physicians.

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“Texas lagged behind the rest of the country before the reform, and now we’re starting to catch up,” he said. The medical liability reform has gone a long way in stopping the tidal wave of lawsuits directed at high-risk doctors, said Dr. Chris Grieves, who has practiced emergency medicine for 16 years. Grieves spent 15 years outside the state and came back to Houston because of tort reform.

“It hasn’t lessened the quality of care, which was a big fear of a lot of people,” said Grieves. “We’ve seen a lot fewer frivolous lawsuits, and the ones that go through are the ones where a mistake has really been made.” Emergency medicine doctors are held to a standard “way above what most people need” and are forced to see every patient who comes through the door, whether they can pay or not, said Grieves.

“The need for people to have medical access falls on us,” he said. “The reform has done a lot for us, but I’d even like to see it go further in protecting us.”

Emergency medicine physicians now face “delay in diagnosing” lawsuits, and Grieves is hoping something is done soon on a federal level to protect emergency physicians from these expensive lawsuits.

“Someone can come into the emergency room because they’re dizzy and get diagnosed with pneumonia a couple of weeks later, and we’re liable,” he said. “A lot of my colleagues are getting drug into court cases like this and losing because we’re not properly covered.”

Opelt put the 2012 study together because there had been much debate about the 2003 health care liability reforms and whether they have been effective.

“During those prereform years, doctors’ liability insurance had doubled over the span of four years, and most doctors were restricting their practices,” Opelt said. “Now, they’re able to practice the medicine in the way they were trained.”

Liability rates charged to doctors in Harris County by the Texas Medical Liability Trust have also decreased significantly since 2003. A Harris County cardiologist paid \$26,540 for medical liability rates in 2003 compared to \$16,983 in January 2011.

Liability savings allowed hospitals to upgrade their medical equipment, expand emergency rooms, expand outpatient services, staff emergency rooms 24 hours a day with high-risk specialists and improve salaries, said Opelt.