

Study shows increase in Texas doctors due to liability reforms

By Marilyn Tennissen

Texas licensed a record number of new physicians last year, and the head of the state's medical association says much of that growth is due to legal reforms.

According to the Texas Medical Association, the Texas Medical Board issued a record 3,630 licenses in the fiscal year ending in August. Before liability reforms were passed by the Legislature in 2003, the board averaged 2,363 licenses issued per year. Since the reforms, the average has been 3,135.

"All Texans can thank our 2003 liability reforms for a huge chunk of these new physicians who are caring for our sick and injured neighbors all over the state," said Texas Medical Association President Michael E. Speer, M.D., in a Sept. 24 press release.

His remarks come after a newly released study by economics professor Stephen Magee of the University of Texas. Magee tracked total new licenses issued as well as in-state active physicians before, during and after what it calls the state's "liability crisis" in healthcare during 2001 to 2003.

During that time, Magee wrote, pre-suit review was rarely enforced and the damages cap could be applied on a per defendant basis.

"In addition to the litigation problems Texas doctors faced, the state ranked the last in the nation in the percentage of persons medically insured and had a large rural population where hospitals were scarce," the report states.

From 2001 to 2003, medical malpractice insurance premiums doubled, the majority of large malpractice insurance carriers withdrew from Texas and the severity of awards and settlements increased.

Magee's findings show that nine years after the medical lawsuit reforms, the per-capita number of Texas direct patient care physicians is at "an all time high."

"Essentially, the number of doctors that treat patients flattened during the crisis but then took an upward trajectory four years after the passage of reforms," Magee stated. "The delayed physician growth response is consistent with what we see in other tort reform states."

To conduct his research, Magee arranged Texas counties from the most medically underserved to the most served. He then bundled those counties into 10 groupings of about 25 counties each.

Magee found that the Texas medical liability crisis "reduced the direct patient care physician growth in the bottom 80 percent of Texas' most medically underserved counties."

"Following the 2003 reforms, direct patient care physician growth improved in six of the eight underserved county groupings," Magee said.

The study also indicated that the number of high-risk specialists in Texas grew 18 percent faster than the state's population from 2005 to 2011 and the ranks of pediatric sub-specialists, emergency care physicians, cardiologists, vascular surgeons and anesthesiologists also outpaced the state's population growth.



Michael E. Speer, MD
President, Texas Medical Association