

The New England Journal of Medicine:

The Effect of Malpractice Reform on Emergency Department Care

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Waxman et al's study of the intensity of emergency care received by Medicare beneficiaries in states that have passed tort reform is interesting but not particularly enlightening. The author draws broad conclusions about the effectiveness of medical lawsuit reform solely by examining treatment provided to Medicare patients. Typically, such patients are more fragile, have more complications and take more medicine than the general populace. Therefore, they require more care. For a Medicare beneficiary who arrives at the emergency department, there is not a great deal of variation regionally or nationally in the appropriate work up and standard of care. This is true regardless of whether the care is being rendered in a state that has passed tort reform or in one that has not. Better access to care was the promise Texas tort reformers made. We said medical liability reforms would bring doctors back to the emergency department, ensuring that more patients could get the timely and specialized care they needed. That promise has been kept. [Forty-nine Texas counties that lacked an emergency department physician in 2003 have one today.](#)

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D.A. Waxman and others

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