

# NEW YORK POST

## A BABY-FREE NEW YORK

August 1, 2008 --

New Yorkers may soon have to cross state lines just to have a baby - or maybe even just to see a doctor when they get sick.

Raising that frightening prospect is this week's news that Long Island College Hospital plans to close its obstetrics ward in the face of skyrocketing medical-malpractice costs.

Malpractice-insurance premiums have gone through the roof - thanks in large measure to state laws (and judges) that favor plaintiffs (and their lawyers).

The lawyers, of course - and their trusty servant, Assembly Speaker Sheldon Silver (D-Weitz & Luxenberg) - refuse to let Albany fix the problem.

Meaning exorbitant rates will continue to push doctors away from New York.

Take Long Island College Hospital.

Over the last two years, it's delivered nearly 5,000 babies. But it's \$170 million in debt. Obstetrics accounts for more than a third of its annual losses. And malpractice insurance for obstetrics are 40 percent of its total premiums.

The maternity ward *had* to go.

Last month, state Insurance Superintendent Eric Dinallo said he'd stave off an expected malpractice-insurance rate hike - but he can't delay forever.

A year ago, ex-Gov. Eliot Spitzer formed a Medical Malpractice Liability Advisory Task Force to suggest reforms.

It collapsed in six months.

The panel's most pressing issue was the Medical Malpractice Insurance Plan, a fund for "high-risk" doctors. The fund has a deficit of at least \$500 million (it might actually be three times that).

Insurers say malpractice premiums will have to rise to fill the hole. But high rates are already pricing doctors (obstetricians, especially) out of the state.

Alas, trial lawyers on the panel resisted meaningful change. Forget caps on court awards (one possible reform); the lawyers actually wanted the state to *lift* caps on their cut.

The panel hasn't met since December - a delay that's been just dandy for Silver and the tort bar. But a

month after blocking a hike in premiums, Dinallo still needs to solve the problem.

Let's face it: Absent legislative action, future hikes are inevitable.

And that will fuel the exodus of high-quality medical talent and easily available obstetric care.

Brooklyn residents are already beginning to suffer.

Other New Yorkers should worry, too.