

Malpractice Mess: Governor Must Seek Lasting Solution to Out-of-Control Costs

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The one-year freeze on medical malpractice rates gives much-needed relief to New York doctors. But it just puts off a long-term solution to a problem that threatens to destabilize the state's health care system.

The state Medical Malpractice Liability Task Force, appointed in July 2007, was supposed to come up with reform proposals that legislators could consider this year. But with acrimony among panel members and the sudden change in governors, the group never finished a final report.

Now, lawmakers won't take up medical liability reform until at least the next legislative session. That's too bad. The issue has been debated for years, with one special interest or the other blocking meaningful change.

Before the freeze, doctors had been facing insurance premium increases as high as 30 percent. This would have been on top of the 55 percent to 80 percent increases in insurance costs imposed over the last five years, according to the state medical society.

Many New York physicians now pay hundreds of thousands of dollars a year just to get insurance. The rates are among the highest in the nation.

It's the No. 1 reason why a growing number of doctors here are packing up and moving their practices elsewhere. How many more doctors will flee New York while negotiations on medical liability rates drag on?

This exodus has led to physician shortages in some areas, especially in specialty fields like obstetrics, anesthesiology, orthopedics, surgery and emergency medicine. Those shortages threaten patient access to prompt, quality care.

In addition to crushing premiums, physicians pay an annual surcharge to close the deficit in the state's insurance fund for high-risk doctors. The surcharge, which also was put on hold by the freeze, can be as high as 8 percent.

Financially strained hospitals, too, are buckling under the astronomically high cost of protecting against liability.

Legislators and governors past have lacked the backbone to enact fair and lasting reforms. It's no wonder, given the politically powerful groups that have a stake in the outcome.

Doctors, hospitals, trial lawyers and insurers are well-organized and spend millions of dollars on lobbying on this issue. They contribute millions more to politicians' election campaigns. It would take a brave soul to turn his or her back on these cash machines.

It falls to Gov. David Paterson to show the leadership and moral courage to forge the compromises necessary to bring some sanity to this medical mess.

Patients certainly need to be protected and victims of malpractice compensated. But it makes no sense to drive good doctors away with onerous insurance bills.