

**AMERICAN COLLEGE OF OBSTETRICIANS & GYNECOLOGISTS, DISTRICT 2**  
**MEDICAL SOCIETY OF THE STATE OF NEW YORK**  
**NEW YORK AMERICAN COLLEGE OF EMERGENCY PHYSICIANS**  
**NEW YORK CHAPTER AMERICAN COLLEGE OF CARDIOLOGY**  
**NEW YORK CHAPTER AMERICAN COLLEGE OF PHYSICIANS SERVICES INC.**  
**NEW YORK CHAPTER AMERICAN COLLEGE OF SURGEONS**  
**NEW YORK STATE ACADEMY OF FAMILY PHYSICIANS**  
**NEW YORK STATE NEUROLOGICAL SOCIETY**  
**NEW YORK STATE NEUROSURGICAL SOCIETY**  
**NEW YORK STATE OPHTHALMOLOGICAL SOCIETY**  
**NEW YORK STATE OSTEOPATHIC MEDICAL SOCIETY**  
**NEW YORK STATE PSYCHIATRIC ASSOCIATION**  
**NEW YORK STATE SOCIETY OF ANESTHESIOLOGISTS**  
**NEW YORK STATE SOCIETY OF DERMATOLOGY & DERMATOLOGICAL SURGERY**  
**NEW YORK STATE SOCIETY OF ORTHOPEDIC SURGEONS**  
**NEW YORK STATE SOCIETY OF OTOLARYNGOLOGY – HEAD & NECK SURGERY**  
**NEW YORK STATE SOCIETY OF PLASTIC SURGEONS**  
**NEW YORK STATE SOCIETY OF RADIOLOGISTS**  
**NORTHEAST REGIONAL URGENT CARE ASSOCIATION**

Our respective associations which together represent tens of thousands of physicians across the State delivering care to hundreds of thousands of patients each year are strongly opposed to a proposal within Part K of the Health/Mental Hygiene Article 7 bill that would require the 15,000 physicians currently enrolled in the Excess Medical Malpractice Insurance program to bear 50% of the cost of these policies. This proposal was advanced during multiple Cuomo Administration Executive Budgets but was thankfully rejected by the State Legislature because of its adverse impact not only on physicians, but for the patients who are the ultimate beneficiaries of this program. We urge the Legislature to again reject this proposal and protect needed patient access to primary and specialty-based physician care.

This incredibly short-sighted proposal would thrust nearly \$40 million of new costs on the backs of our community-based physicians who served on the front lines of responding to the pandemic, many of whom are struggling to stay in practice to deliver needed care, and at a time when physicians already face staggeringly high liability premiums that have gone up by an average of 10% in the last 2 years. It will most acutely impact those specialty areas where we are already seeing physician shortages, reproductive healthcare services, emergency care and surgical services.

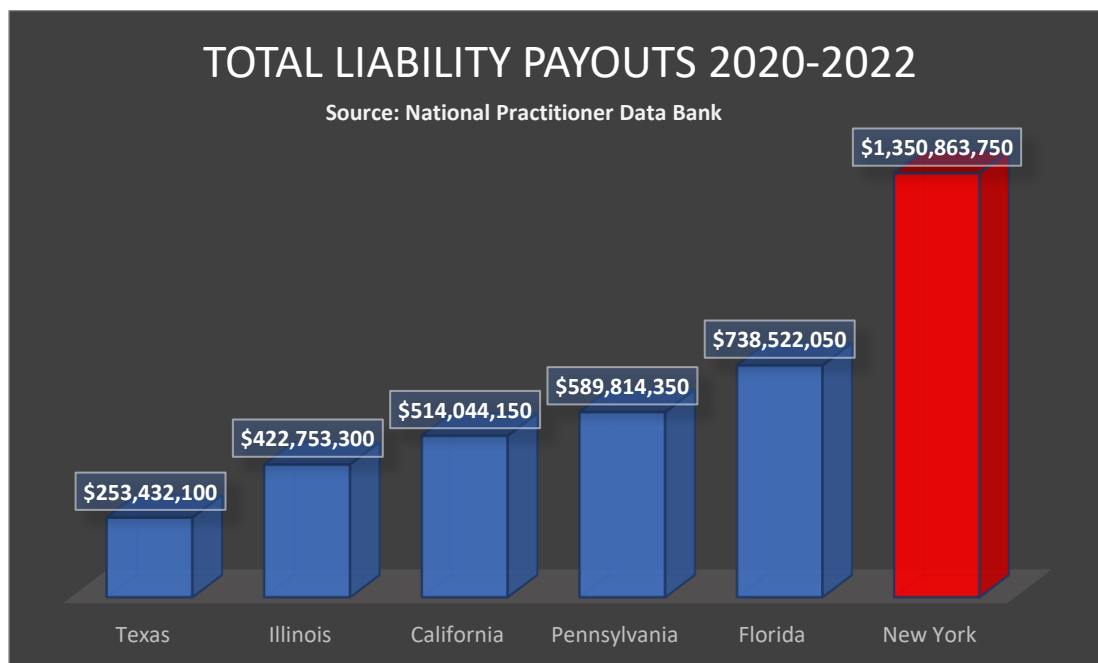
Many will have no choice but to move to other states with more favorable practice environments. Many others may forego the coverage to avoid the thousands to tens of thousands of dollars of new costs, *per physician*, this Budget proposal would impose.

**ESTIMATED NEW COSTS TO BE IMPOSED ON PHYSICIANS FOR EXCESS COVERAGE  
 BASED UPON GOVERNOR’S 50% COST BUDGET PROPOSAL**

<b>SPECIALTY</b>	<b>Long Island</b>	<b>Bronx, Staten Island</b>	<b>Brooklyn, Queens</b>	<b>Westchester, Orange, Manhattan</b>
<b><i>ER</i></b>	\$5,295	\$6,146	\$5,743	\$4,003
<b><i>Cardiac Surgery</i></b>	\$3,668	\$4,258	\$3,979	\$2,774
<b><i>OB-GYN</i></b>	\$17,090	\$19,836	\$18,536	\$12,921
<b><i>Neurosurgery</i></b>	\$28,827	\$33,459	\$31,266	\$21,794

The Excess Medical Malpractice Insurance Program provides an additional layer of \$1M of coverage to physicians with hospital privileges who maintain primary coverage at the \$1.3 million/\$3.9 million level. The program was created because of the liability insurance crisis of the mid-1980's to address concerns among physicians that their liability exposure far exceeded available coverage limitations. They legitimately feared that everything they had worked on for all their professional lives could be lost because of one wildly aberrant July verdict.

This fear continues today since New York State has failed to enact meaningful liability reform to ameliorate this risk. The size of medical liability awards in New York State has continued to rise significantly and physician liability premiums remain far out of proportion compared to the rest of the country. In fact, New York's total medical liability payouts between 2020-2022 are nearly twice as great as the second highest state, Pennsylvania (see chart below), and far surpassing more populous states such as California and Texas. Medical liability costs hurt consumer affordability and access, as these costs contribute to New York's high premium costs, which also limit small business growth. Moreover, excessive liability costs disproportionately impact physicians working in underserved communities who have experienced heightened financial strain from the pandemic. For these reasons, New York is regularly ranked [worst among states in the country for physicians to practice medicine](#).



Given the Executive Budget has been focused on enhancing access to needed care, it is troubling that this policy (and others) was advanced making it harder for physicians to remain in practice.

Absent comprehensive liability reform to bring down New York's grossly disproportionate medical liability costs, maintaining an adequately funded Excess Medical Malpractice Insurance Program is essential to maintaining some availability of skilled physician care in New York. We urge you to reject this proposal, and work for the enactment of measures that will help to reduce these overwhelming costs that are interfering with patient access to needed care.