

The bottom line is that this situation is impacting the quality of care, as doctors are forced to practice defensive medicine by ordering more tests or seeing more patients to offset revenue losses, and spending less time per patient. The patient-doctor relationship is eroding, and it is time to do something before the crisis reaches epidemic proportions.

We need to reform – not abolish – medical liability laws. Reasonable laws that protect patients should be in place. Abuse of the system with frivolous lawsuits and unreasonable jury verdicts has financially strained our health care systems as doctors and hospitals struggle with outlandish insurance premiums. Even if remedies are found to improve the current insurance climate, there must be meaningful reform of the liability laws in Ohio in order to continue to provide patients with access to quality health care.

Contact your Ohio legislators to support strong medical liability reforms that would:

- Call for Mandatory Arbitration
- Establish Medical Review Panels
- Create a Patient Compensation Fund
- Provide for Oversight of the Insurance Industry
- Create a Sliding Fee Scale for Attorney Contingency Fees

We urge your support of medical liability reform legislation in Ohio.

Send your letters to:

- Ohio House of Representatives
77 South High Street – Riffe Center
Columbus, OH 43215
- Ohio Senate
State House
Columbus, OH 43215

Save Ohio Medicine and Preserve Access to Quality Health Care!

Write, call or e-mail your legislator with your concerns.

- Support the reform of Ohio's liability laws to make them fairer and more reasonable.
- Contact the Academy of Medicine of Cleveland/Northern Ohio Medical Association (AMC/NOMA) at (216) 520-1000, visit our website at www.amcnoma.org or ask your doctor what you can do to help.

The Academy of Medicine of Cleveland Northern Ohio Medical Association (AMC/NOMA)

6000 Rockside Woods Boulevard – Suite 150
Independence, OH 44131-2352



**YOUR
MEDICAL
CARE
IS AT
RISK**

Did you know there is a
medical liability crisis
affecting your physician?

**THE TIME TO
ACT IS NOW!**

The Cause

- Insurance carriers are leaving the liability insurance business in large numbers.
- The Ohio legislature has passed tort reform legislation, but additional reforms are still needed to keep your doctor practicing.
- Personal injury lawyers are free to continue to file frivolous lawsuits and pursue huge contingency fees. According to data from the Physician Insurers Association of America, nearly 70 percent of all medical malpractice claims made against doctors do not result in a payment to the plaintiff.
- Only 1.3 percent of all claims against a doctor result in a jury award. In 2000, the median cost to dispose of a claim that goes to a jury was \$66,767, even when the physician was found NOT GUILTY.

The Effect

- Physicians feel pressured because of the threat of lawsuit abuse to order extra tests. A nationwide study estimated “defensive medicine” costs YOU an additional \$50 billion per year, driving up YOUR health care costs and ultimately YOUR health care premiums.
- Due to liability concerns, some doctors are closing their practices and taking years of experience with them: EXPERIENCE THAT WILL NO LONGER BE AVAILABLE TO YOU. This problem also impacts the training of future physicians and patient care.

- Many medical school graduates are avoiding specialty fields due to the malpractice crisis. A shortage of physicians in critical specialties could ultimately affect the quality of YOUR care by limiting your access to treatment options.

What this Means to You

- Many critically important specialists have been forced to limit the care and types of treatments they offer because they cannot afford insurance
- Data collected by the AMC/NOMA shows that if the medical liability crisis continues to escalate and premiums continue to rise, physicians in Northern Ohio will have to cut back on certain procedures and stop accepting certain patients
- Additional data collected by the AMC/NOMA shows that emergency rooms are losing staff or scaling back certain services due to the medical liability crisis.

How You Can Help

If you'd like to protect your access to your physician, your voice can make a difference.

Legislators need to hear from patients as well as from physicians. We need real solutions to this ever-growing crisis, including:

- **MANDATORY ARBITRATION**
AMC/NOMA supports a proposal to change the law to substitute ORC § 2711.22-24 with language similar to what is contained in the California arbitration statute that enables the patient to agree to arbitration up front. If the patient agrees, the agreement is irrevocable and binds the patient to arbitration in case of a dispute.

▪ **ESTABLISHMENT OF MEDICAL REVIEW PANELS**

AMC/NOMA supports the establishment of Medical Review Panels to provide for pre-litigation screening to eliminate frivolous claims. The benefit of a medical review board is that it removes lawsuits from the system before they occur by identifying whether the claim is valid or not.

▪ **CREATION OF A SLIDING SCALE FOR ATTORNEY CONTINGENCY FEES**

Data clearly shows that a cap on attorney contingency fees results in an increase in patient compensation. Tell your legislator that you support a sliding scale for these fees – 40 percent of the first \$50,000 in damages, 33 percent of the next \$50,000, 25 percent of the next \$500,000, and 15 percent of any amount exceeding \$600,000.

▪ **DEVELOPMENT OF A PATIENT COMPENSATION FUND (PCF)**

A PCF is a medical malpractice insurance mechanism, created by state law, designed to increase professional liability coverage availability and/or affordability primarily by providing coverage for a specific type of injury or an excess layer of coverage. The PCF is meant to enhance or increase market availability and affordability of professional liability coverage.

You Can Make a Difference!

It is Time to Put Patients First

The Ohio legislature must pass effective medical liability reforms. Patient access to care is threatened and this crisis will worsen if the legislature fails to act.