

“The Good News and The Bad”

First a follow-up on the malpractice situation that I mentioned an editorial ago. Your representatives from the Maricopa County Medical Society had a meeting with Dr. Carland from MICA (Mutual Insurance Company of Arizona) along with Chic Older from the Arizona Medical Association. From that meeting we learned several things.

For one, the malpractice rate increases aren't going to be as bad as anticipated, but are approximated to be 5-8%. That's still an increase though and the wrong direction for all of us. Secondly, we learned that there has not been any increase in the number of claims, but an increase in the quality of claims. The malpractice lawyers have figured out what is a good claim worth pursuing versus bad or frivolous claims. That's not to say that there aren't any frivolous claims, just less of them. Surprisingly about 30% of all claims are “failure to diagnose”. Appropriate risk management protocols could help this, such as making sure all reports are looked at and initialed. That includes not only lab, x-ray, and pathology reports but all reports including correspondence. State tort reform, which we have taken two runs at since I've been in practice, doesn't seem like a viable option at this time; however, there is some hope that national tort reform has some promise. Hopefully, federal law will supersede state law thereby being a huge plus for us. This could come about due to the liability problems crippling some states like West Virginia, Pennsylvania, New Jersey, Mississippi, and Florida, to name a few. The American Tort Reform Association is an organization working for all of us on this issue. (Word has it that tort reform would have passed before, but some senators have offspring who are trial lawyers! Now that's a surprise, isn't it!)

There is some disconcerting news that some hospitals have given thought to requiring two million in liability coverage for physicians instead of the present one million requirement. This would be very short sighted on the hospitals part, a direct hit on us, and, of course, no sweat off the hospitals backs. If this comes up as an issue, it needs to be struck dead in its tracks, pronto! So be alert and prepared for that one! Except for those items noted above, there are relatively few things that we can actively do to help stem new rate increases.

There will always be liability insurance in this state due to MICA. Whether it is affordable or not is another issue. One thing that may arise with increasing premiums is access and availability to care. Some physicians may stop doing risky procedures and those services will no longer be available. I think that some of that is already in progress locally and I know it is occurring to a much larger extent in other areas of the country.

These issues are a combination of local, state and national concerns. Attached at the end of this editorial is a complete list of all our state and national representatives. Tear this out as a reference guide. Anytime an issue comes up, you can refer to this chart and voice your opinions to the appropriate body. Those of you with Internet savvy can blanket e-mail your thoughts to the appropriate politician, then make a hard copy and send that out in addition. In my experience, its good to both e-mail and send a letter as the sheer physical volume of mail can be a reminder and a motivating factor to the concerned party.

Whatever you do, just please take the time to let your opinions be heard. It is always worth the effort to write those letters and e-mails! Current topics to address now are:

- The 5.4% proposed rate reduction in Medicare, scheduled to become 17% by the year 2005
- The HIPAA debacle and the damage it is already doing
- National tort reform.

One last thing, Dr. Jonathan Weisbuch of the Department of Public Health for Maricopa County has put together an impressive folder containing all the Tobacco Use Prevention Programs available in Maricopa County. I have gone through it and it is very useful. It is available to every physician in the county. It's worth a call, and Dr. Weisbuch's staff will coordinate a time to assist you in educating patients on tobacco use. Call for it today at (602) 506-6609 and ask for the Tobacco Use Prevention Program Folder.

See you next month.

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President