



## WARNING !!

### Medical Malpractice Victims: Your Rights are in Danger

**Insurance companies, the American Medical Association and other powerful interests say that our health care system is in crisis because of a rising tide of medical malpractice claims. Their solution is to put a “cap” on the amount innocent victims of medical malpractice can recover for their injuries. In fact, “caps” are not the answer and lawsuits are not the problem.**

#### **Medical Malpractice Caps will NOT Reduce Your Doctor’s Insurance Premiums!**

In California, where the state legislature instituted caps on damages for malpractice awards, insurance rates did not come down until insurance reform was enacted. In fact, insurance company executives admit that caps will not reduce doctors’ insurance premiums. Studies have shown that “caps” don’t reduce medical malpractice insurance premiums. Insurance companies are telling Congress to “cap” or limit the compensation medical malpractice victims can receive for non-economic damages, suggesting that “caps” will allow doctors medical malpractice premiums to decrease. By limiting a victim’s legal right to seek recourse for an injury they sustained through no fault of their own, they are putting profits over people.

#### **The Real Problem is Medical Malpractice.**

Medical errors kill as many as 98,000 Americans every year and cost as much as \$29 billion dollars, according to the Institute of Medicine. The Heathgrades’ Patient Safety in American Hospitals report suggests that the human toll may be higher, with preventable errors and negligence taking 195,000 lives each year.

**Relatively few doctors are responsible for a disproportionately large number of lawsuits.** For example, according to an investigation by the West Virginia Sunday Gazette-Mail, just forty doctors account for more than one-fourth of the nearly 2,300 cases of medical malpractice claims reported to the West Virginia Board of Medicine since 1993. Other states show similar trends.

**Doctors are not fleeing states in droves**, despite the unsupported claims of the American Medical Association, the insurance industry and their allies. State officials and the media have found that the number of doctors in many so-called crisis states including Florida, Ohio, Pennsylvania and Washington has remained stable and in most, has actually increased.

**Injured Patients Rarely Sue.** In 1990, the Harvard Medical Practice Group determined that for every 8 instances of medical malpractice, only 1 claim was actually filed. In addition, medical malpractice cases are the most difficult to win: the Bureau of Justice Statistics reported in a study published August 2000 that only 26% of malpractice cases that are tried result in an award for the plaintiff.

**There are Sensible Ways to Reduce the Number of Medical Malpractice Claims.** One way is for doctors to apologize for their mistakes. A study published in the December 1999 issue of the Annals of Internal Medicine found that when a Veteran’s Administration hospital promptly and fully disclosed all errors to patients - and then offered fair compensation to them - litigation costs went *down*.

**Medical Malpractice Claims are a Fraction of Our Country’s Health Care Spending.** In 2004, the Congressional Budget Office estimated that malpractice costs amounted to less than 2% of the overall health care spending.

**To learn more – and to find out how to fight back and protect your rights – go to:**

**[www.peopleoverprofits.org](http://www.peopleoverprofits.org)**