

Texas tort reform lures doctors

by Howard Marcus, MD
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Texas-style lawsuit reforms may not fix health care, in and of themselves, but they sure will improve patients' access to care. As a physician who relocated from Newport to Austin, I can attest to the dramatic Texas turn-around.

Because of reforms passed six years ago, doctors are flocking to Texas in record numbers, returning to the emergency rooms and again taking complex cases. According to an Oct. 5, 2007, New York Times article ("More Doctors in Texas After Malpractice Caps") "doctors are arriving from all parts of the country to swell the ranks of specialists at Texas hospitals and bring professional health care to some long underserved rural areas." For the first time in memory, the Catholic-owned CHRISTUS Health System, with hospitals, long-term care facilities and clinics in more than 60 Texas cities, has no openings for obstetricians. In recent months, doctors with mature practices from Illinois, Maryland, Utah, Alabama, and Beverly Hills, Calif., have relocated to Corpus Christi. These newbies aren't flunkies, and they aren't doctors with a history of liability problems. To the contrary, they are the best and brightest, including a Duke-trained trauma center director from New York City who just moved to Corpus Christi because of the state's more reasonable medical-liability climate.

My own Austin practice is attracting a Long Island obstetrician — a competent practitioner fed up with outlandish liability costs for the privilege of practicing in New York.

Doctors are finding Texas appealing, and increasingly they are telling me tort reform is a major reason why they chose to come here.

Texas licenses more new doctors per year than Rhode Island has in total. Unlike most states, we are adding high-risk and primary-care doctors faster than the rate of population growth, which is an incredible accomplishment because Texas has one of the fastest growing populations in the nation and is the most populous of the fast-growth states.

Since the passage of reforms, 18 rural Texas counties have added their first emergency-room doctor. The ranks of rural obstetricians have grown 27 percent. Eleven counties have added their first cardiologist or cardiovascular surgeon or general surgeon. Because of tort reform, more sick and injured Texans can now get the timely and specialized care they need closer to home.

Hospitals have re-invested their liability savings into new technology, patient care and patient safety, and have increased charity care by more than a half-billion dollars annually.

Without reforms and the attendant liability savings, these achievements would have been impossible. The influx of more than 16,000 new doctors and hospital expansions have increased employment and tax revenues throughout our state. Liability costs have been saved, easing funding demands for community hospitals, county health systems, and women's, charity and inner-city clinics.

These are the kinds of healthy gains that every state should aspire to achieve.

Injured patients are still going to court and collecting damages, and the state medical board has been given more money, staff and clout to investigate and punish bad practice.

The trial lawyers would have you believe that Texas is engaged in a “Mariel Boat Lift,” attracting every reckless and reprobate doctor in America.

Yet, here are the irrefutable facts: Less than one-half of 1 percent of the more than 16,000 newly minted Texas physicians has been the subject of disciplinary actions, and any assertion that the Texas Medical Board is lax or derelict is simply ill-informed.

Texas tort reform has kept doctors in practice, in the emergency room, in the examination room, and in the operating room treating sick and injured patients. And for all their misdirection and hyperbole, the trial lawyers can’t explain that away.

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