



December 2004 Business Pulse Column

“Comprehensive Bipartisan Action is Needed for Medical Malpractice Reform and Whatcom County is Part of the Solution”

By Senator Dale Brandland, Representative Kelli Linville and Victoria Doerper

One of the many challenges that makes it difficult for people to gain access to health care in Whatcom County, the State of Washington, and the entire country is the growing cost of medical malpractice insurance. Local physicians have experienced annual rate increases of between 30% and 100% *with no adverse claims*. As rates become unreasonable, physicians are forced to limit their practices, making it harder for people in the community to find a physician.

The impact of these escalating medical malpractice insurance costs on access is very real. Physicians in Whatcom County are leaving practice, most notably the practice of obstetrics. Since January 2004 over 30% (13) of the county’s family doctors have stopped delivering babies because of high insurance costs.

The legislature has attempted to address this issue in an increasingly charged atmosphere of debate between special interests groups, elected officials, and their respective political parties on why malpractice rates are escalating so quickly and what solution is needed to solve this problem. Legislation proposed to accomplish reform and relief has failed the last two years while at the same time malpractice rates continue to climb and health care access for consumers gets worse. Conflicting studies abound regarding the effectiveness of approaches designed to help bring down medical malpractice insurance rates. Special interests promote a “silver bullet” approach that includes either an exclusive focus on civil liability reform at one of the end of the spectrum or minimizing medical errors at the other end.

Unfortunately, a single solution is not likely to solve this growing problem. The medical malpractice issue is complex, with some unique characteristics that distinguish it from other industry casualty insurance problems. A variety of strategies will likely be required to achieve a solution that actually improves the availability and affordability of malpractice insurance for health care providers, addresses legitimate patient safety concerns, and improves health care access. Those strategies will need to be drawn from best practices implemented around the country and solutions proposed by all sides of the discussion.

So how do we get there from here? In June the Whatcom Alliance for Health Care Access (The Alliance) initiated a study group charged with developing an effective bipartisan medical malpractice solution that would address rising medical malpractice rates affecting healthcare access as well as patient safety concerns. The Alliance’s Medical Malpractice Study Group includes representatives from the Whatcom Medical Society, the local legal community, the hospital, local health care clinics, consumers, business representatives, health insurers, and state elected officials representing both houses and political parties.

Since this summer the study group has:

- Researched best practices around the country including contact with national experts
- Analyzed past and presently proposed legislation and initiatives to the legislature
- Consulted with representatives from the State Office of Insurance Commissioner to better understand the issues and barriers to affordable medical malpractice insurance in this state
- Received the support and expertise of Washington State House and Senate non partisan staff assigned to both the Judiciary and Health Care Committees.

By December the group will be finalizing a set of strategies that will make up a package of recommended medical malpractice reforms for the 2005 legislative session. The bipartisan proposal will most likely include strategies for civil liability reform, medical malpractice premium assistance for high risk specialties, some insurance industry reform and provisions for consumer protection.

Taking on this complex and somewhat daunting task has proved to be challenging. In the absence of hard evidence regarding the effectiveness of various strategies, decision-making is difficult. Yet community members from a broad range of perspectives as well as our elected officials maintain a strong commitment to making meaningful change. The discussion has been respectful and productive. The working relationships across different political and professional divides has been remarkable. When all is said and done, both the process and the recommendations will provide a solid foundation for improving access to health care in our community.

For more information on this effort and others to improve healthcare access in Whatcom County contact the Whatcom Alliance for Healthcare access. Check out our web site at www.whatcomhealthalliance.org or call the St. Luke's Foundation at (360)671-3349 and they will forward your questions or comments.

Dale Brandland serves as a State Senator from the ___ District, Kelli Linville is a State Representative from the ___ District and Victoria Doerper is Executive Director of the Northwest Regional Council. All are active participants in the Whatcom Alliance for Healthcare Access Medical Malpractice Study Group. Victoria Doerper serves as chair.