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Women Are Paying the Price of Inaction on Medical Liability Reform

Women are Losing Access to Vital Health Care Services

Women are particularly vulnerable to losing access to essential health care services because OB/GYNs have become a target of meritless lawsuits.

- Liability concerns forced 40% of all OB/GYNs to make changes in their practice and have driven nearly four percent of those surveyed to stop practicing obstetrics altogether.¹
- The average age at which physicians cease practicing obstetrics is now 49 — an age once considered the midpoint of an OB/GYN's career.²
- The medical liability system in Illinois continues to drive up costs for hospitals and physicians, contributing to the closure of 20 hospitals across the state since 2000 — many of which served expecting and new mothers.³

OB/GYNs Fighting Lawsuits — Instead of Patients' Health

Instead of being able to focus on their patients, more and more doctors today are forced to defend their reputations and professional decisions in the courtroom against claims that are usually without merit, leading to reduced access to care.

- Regardless of the outcome, the average litigated claim lingered for 25 months, with those ultimately dismissed still lasting 20 months. Claims going to trial took approximately 39 months, and doctors who were victorious in court spent an average of 44 months in litigation.⁴
- Former Governor Haley Barbour described the situation in Mississippi before the implementation of medical liability reforms: "Doctors had quit delivering babies...People were having to drive an hour for someone having a baby, and bad things can happen in an hour."⁵

High Costs for Women — and their Families

Without medical liability reform, women and their families face ever-increasing costs that cause health care expenses to negatively impact household budgets and spending.

- Liability premiums faced by physicians in California are substantially less than those faced by physicians in states without reforms, such as New York. Some obstetrician/gynecologists (OB/GYNs) in Los Angeles County face base premiums of \$49,804 per year, compared to the \$175,414 faced by some OB/GYNs in Kings and Queens Counties in New York.⁶

¹ ACOG Survey, The American College of Obstetricians and Gynecologists, 2015.

² ACOG Survey, The American College of Obstetricians and Gynecologists, 2015.

³ *Hospital closures 1980 to present*, Illinois Hospital Association, 2015.

⁴ "Doctors spend more time in the courtroom than the classroom," *Dallas-Fort Worth Healthcare Daily*, July 28, 2014.

⁵ "Mississippi Tort Reform at 10 Years," *The Clarion-Ledger*, May 5, 2014.

⁶ Medical Liability Monitor, 2021

- A study discovered that 2013 was the first year since 2003 that there was an increase nationwide in both total payout amounts and the total number of payouts in liability cases — a significant driver of health care costs.⁷
- Not coincidentally, per capita payouts in New York and Pennsylvania, where no reforms are in place, are now more than 12 and eight times higher, respectively, than in Texas, which has effective reforms.⁸

⁷ “New York is the Clear Leader in Medical Malpractice Awards,” *The Washington Post*, March 15, 2014.

⁸ “New York is the Clear Leader in Medical Malpractice Awards,” *The Washington Post*, March 15, 2014.

* MICRA’s existing limit of \$250,000 will increase to \$350,000 for non-death cases and \$500,000 for wrongful death cases on the effective date Jan. 1, 2023, followed by incremental increases over 10 years to \$750,000 for non-death cases and \$1,000,000 for wrongful death cases, after which a 2.0% annual inflationary adjustment will apply.