

Statement of Chairman Tom Davis  
Wellness and Human Rights Subcommittee Hearing  
"Dying For Help: Are Patients Needlessly Suffering Due to the High  
Cost of Medical Liability Insurance"  
October 1, 2003

Chairman Burton, I would like to commend you for addressing the issue of medical liability and its effect on the rising cost and accessibility of quality healthcare in the United States.

I believe it is essential that we bring malpractice awards under control. Failure to do so will ultimately reduce access to health care nationwide, similar to shortages in certain specialties -- like OB/GYN services -- already occurring in various parts of the country. Recently, physicians in West Virginia, long considered a tort lawyer's wonderland, went on strike to protest massive increases in malpractice premiums due to excessive jury awards. A similar strike was averted in Pennsylvania only after the governor of that state agreed to address the problem. Last year, doctors at a trauma center in Las Vegas walked out to protest the malpractice situation. In all of these instances, it is the patients that suffer when they find the care they need is unavailable.

My state of Virginia is among those states, like California, that already have limits on malpractice awards; however, doctors here are still suffering due to the nationwide nature of this problem. For example, last year many doctors were left without coverage when the nation's largest malpractice carrier, the St. Paul Company, announced it would no longer offer this type of insurance. Other malpractice carriers have also reduced coverage or left the market altogether, meaning that doctors are increasingly unable to find coverage at any price. Thus, while the situation is more acute in those states that have not enacted the necessary legislation, it does affect the entire country, which is why I support a federal approach.

While some may see legislation that caps awards received in malpractice suits as a deterioration of a patient's right to seek fair recourse, I believe they are necessary steps to prevent out of control jury awards that seriously are affecting the availability of health care in this country. With 60 percent of every dollar spent on health care liability going towards administrative costs and attorney's fees, I believe it is time to enact reforms in order to put an end to the hunt for deep pockets that is currently driving doctors out of their practices.

Again, Mr. Chairman, I applaud you for your close attention to this issue and I hope that we can find a solution that will both protect healthcare providers and the patients that they serve.

