



GeorgiaWatch
Protecting Georgia Families

MEDIA RELEASE

For Immediate Release
February 16, 2004

For More Information
Matthew Monroe (404) 668-5878
Allison Kelly (404) 525-1086

Negligent Doctors Escape Discipline in Georgia, Research Shows

State's real malpractice crisis is repeatedly negligent doctors who are responsible for nearly 40 percent of payouts to injured patients

ATLANTA – The consumer advocacy group Georgia Watch and the national research group Public Citizen released a study today showing that most negligent doctors who have made multiple malpractice payouts to injured patients have escaped discipline by the State Medical Board and continue to practice medicine in Georgia.

Data from government sources shows that just 3.5 percent of Georgia's doctors have been responsible for nearly 40 percent of all malpractice payouts since 1990. This disputes the insurance and medical lobbyists' claims that malpractice litigation is a "lottery" system that randomly awards malpractice victims while victimizing innocent doctors.

Of the 579 Georgia doctors who made two or more payouts to malpractice victims in recent years, only 47 doctors, or 8.1 percent, had any reportable disciplinary action taken on their licenses. Disciplinary action could include administrative fines, a doctor voluntarily surrendering a license or revocation of a license.

"These statistics are distressing and show a gross lack of accountability for a small number of doctors whose negligence causes the injury, maiming and death of Georgians," said Allison Kelly, Executive Director of Georgia Watch. "As state lawmakers consider reforms to combat rising malpractice insurance premiums, they should strengthen protections for Georgia patients, not reduce accountability by capping malpractice damages."

Other dramatic findings from the report include:

- There are between 1,276 and 2,842 preventable deaths in Georgia hospitals each year. These preventable deaths cost Georgia's families and communities \$493 million to \$841 million annually. But the cost of malpractice insurance to Georgia health care providers is only \$200.6 million each year.

MORE

- Since 1990, 18 physicians in Georgia have made between four and eight malpractice payouts – but have not been disciplined. Collectively, these physicians have made 90 payouts to victims. Their damages total nearly \$50 million (\$49,214,500).
- Claims that malpractice insurance costs are driving doctors out of Georgia are based on the same kinds of biased surveys the U.S. General Accounting Office has declared unreliable in other states.
- The *Journal of the American Medical Association* ranked Georgia 47th lowest in the nation in terms of quality of care. Georgia is also among nine of 12 states that the AMA says has a “liability system in crisis”. Nine of those “crisis” states were cited by JAMA for poor quality of care.
- The strident tone used to discuss malpractice issues in Georgia mirrors comments made on the national level—that “junk and frivolous lawsuits” have become “one of the major cost drivers in the delivery of health care.” In fact, the report notes that the costs of medical malpractice insurance represent just 0.62 percent of the nation’s health care expenditures.
- California’s lower malpractice insurance premiums are due to insurance reforms, not damage caps. In the first 12 years of MICRA (1976-1988), which capped non-economic damages at \$250,000, total medical-malpractice insurance premiums paid by health providers *increased* 190 percent. But under Proposition 103, a major insurance reform passed by voters, malpractice premiums paid *declined* 2 percent from 1988-2001.

The full report, *Increasing Doctor Accountability & Patient Safety: Solving Georgia’s Medical Malpractice “Crisis”*, is available at:

<http://www.citizen.org/congress/civjus/medmal/articles.cfm?ID=11077>.

Georgia Watch and Public Citizen oppose the \$250,000 cap on quality of life damages that insurance companies and medical lobbyists are advocating. Both groups called on the Legislature to fund a patient safety program that would reduce medical negligence and malpractice insurance costs. As explained in the report, the American Society of Anesthesiologists embarked on such a program in 1985 and has succeeded in cutting malpractice claims against this group of specialists by half – while allowing their malpractice premiums to remain unchanged.

“Reducing medical errors and negligence offer much more promise for bringing insurance rates down, than do caps on damages,” said Frank Clemente, director of Public Citizen’s Congress Watch and an author of the report. **“The real victims are the patients whose lives have been ruined by negligence, not the doctors suffering from a temporary spike in rates due to insurance company investment losses.”**

“If the legal system is a lottery, then some doctors’ numbers clearly come up more than others,” Kelly said. **“A handful of doctors are lowering the overall quality of care in Georgia with shoddy practices.”**

Founded in 2002, Georgia Watch is the state’s leading consumer advocacy and education organization. Georgia Watch is a 501(c)(3) non-profit corporation. Public Citizen is a national consumer group with more than 1,900 Georgia members.