

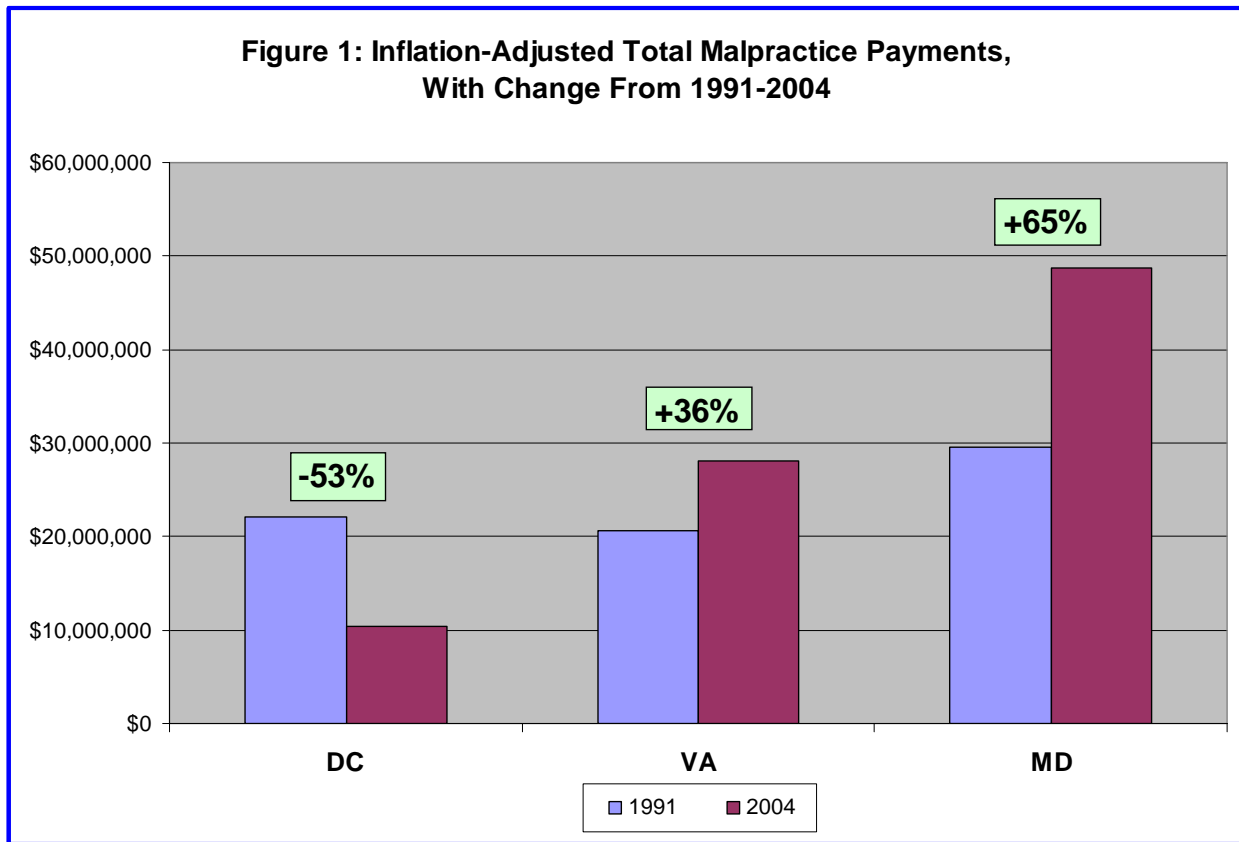


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Joan Claybrook, President

Washington, D.C.'s Neighbors Have Seen Medical Malpractice Payouts Increase, While the District Has Seen Payments Decline

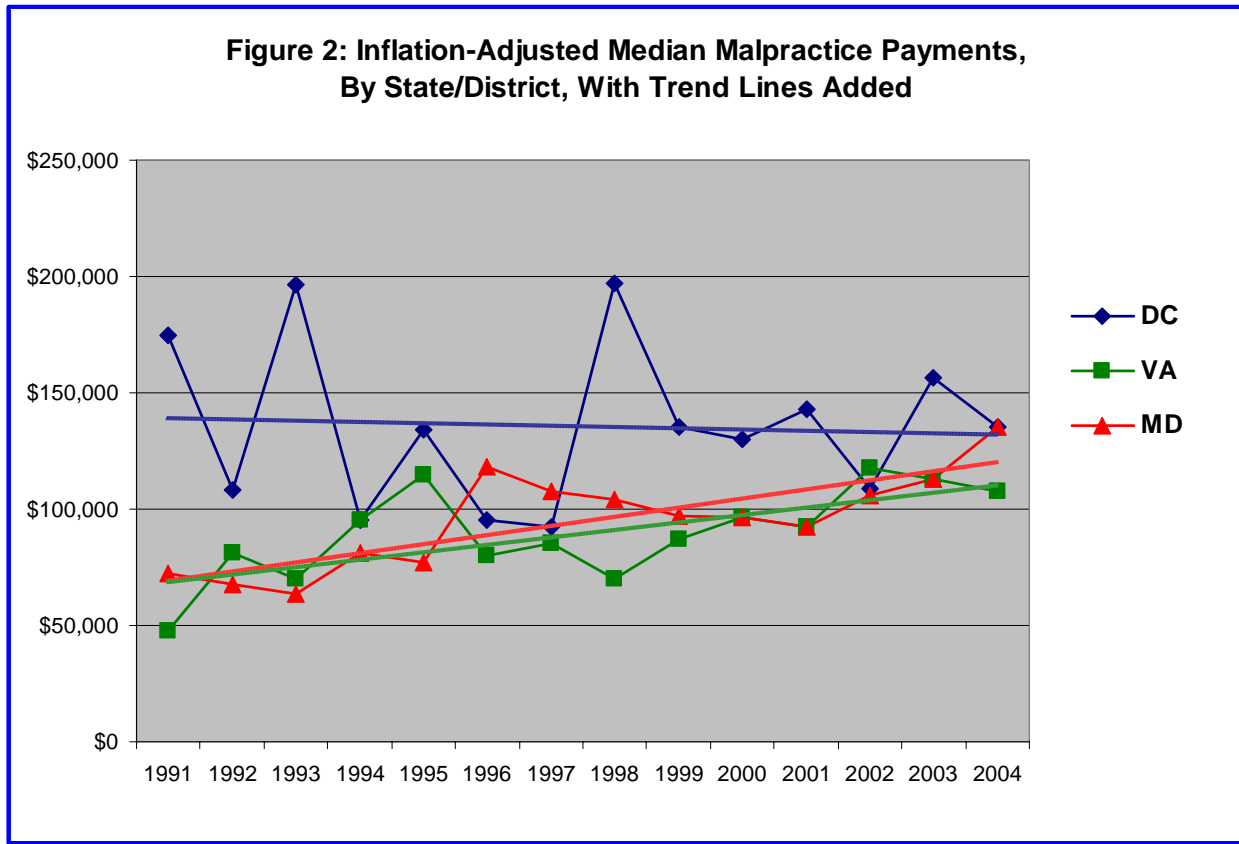
Doctors and their insurers who complain about medical malpractice lawsuits in the District often point to neighboring Virginia and Maryland, where they say the malpractice insurance climate is more hospitable due to caps on victim compensation.¹ But since 1991, inflation-adjusted malpractice payments have declined significantly in the District, which has no cap, while sharply increasing in the neighboring states. (Figure 1)

What statistics like these mean is that yet another argument doctors and insurers advance to justify attempts to curtail patients' legal rights – that a comparison with neighboring states shows the District's malpractice costs are out of control – doesn't add up.



Source: Public Citizen analysis of data from the National Practitioner Data Bank.

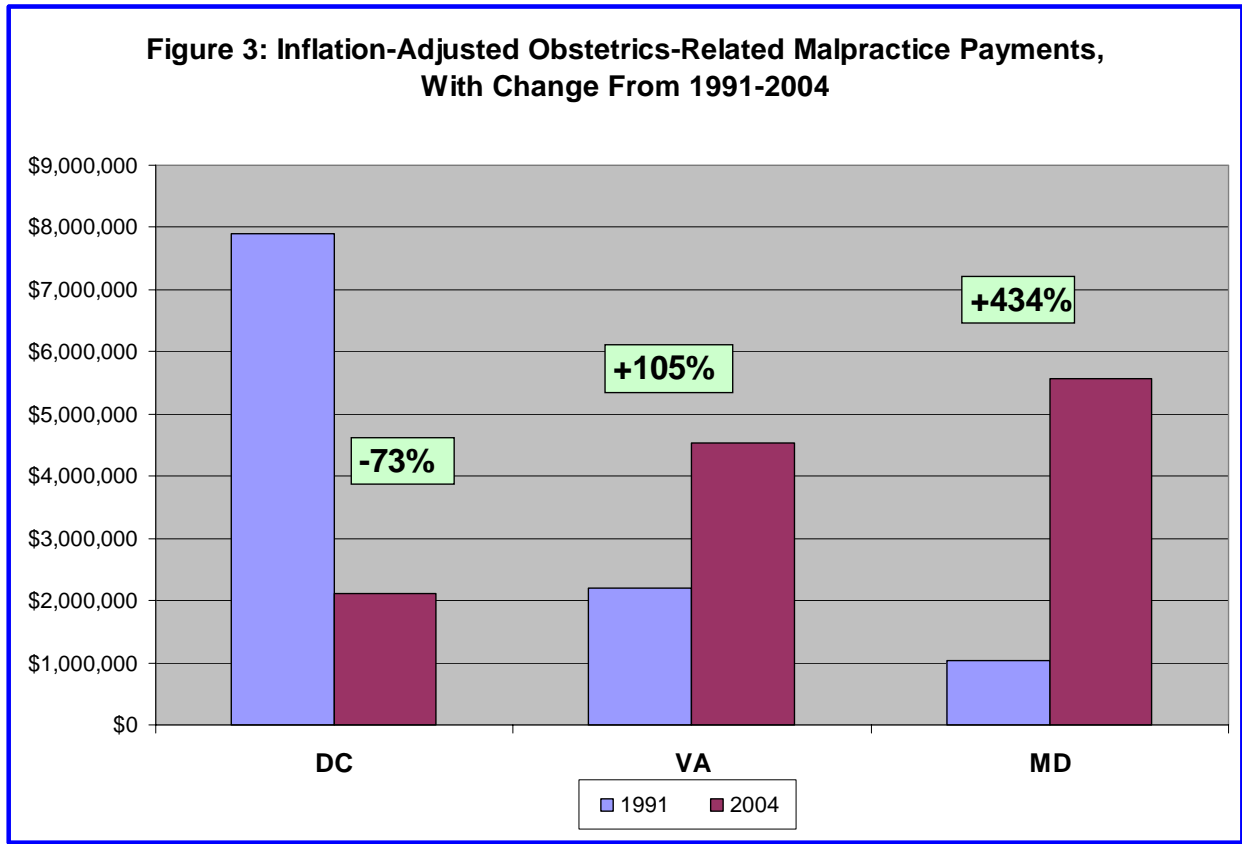
Looking at inflation-adjusted median payments for malpractice cases, the same pattern can be seen. The size of the median payment – where half of all payments are greater, and half are lower – has been trending downward in the District, and upward in Virginia and Maryland. (Figure 2)



Source: Public Citizen analysis of data from the National Practitioner Data Bank.

The Virginia and Maryland data include large non-urban areas outside each state's metropolitan areas. Information in the National Practitioner Data Bank, however, is not broken down beyond the state level. If non-urban areas were excluded, the Virginia and Maryland figures would likely appear still more like results for the District, for a variety of reasons. Medical malpractice cases are concentrated in more urban areas, where larger populations reside and more intensive health care services are delivered; wages and cost of living are also higher in urban areas.

The general trend among the District and its neighbors is even more pronounced in obstetrics cases, which doctors and their insurers claim represent one of the practice areas hardest hit by the malpractice insurance “crisis.” Since 1991, inflation-adjusted total payments for obstetrics cases have been declining in the District, while increasing significantly in the neighboring states. (Figure 3)



Source: Public Citizen analysis of data from the National Practitioner Data Bank.

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ENDNOTE

¹ See Virginia Code Annotated § 8.01-581.15 for Virginia’s cap. See Maryland Courts and Judicial Proceedings Code Annotated § 11-108 for Maryland’s cap.