

# ***HEALTH CARE***

## **NEWS AND INFORMATION**

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*Health Care: News and Information* is a service of the Healthcare Leadership Council (HLC) to help our readers stay fully informed about the latest health care issues as we work to advance a high-quality health care system.

Jim Edwards, Editor

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## **Medical Liability Crisis Continues; Kentucky Patients Suffer on Access**

**A recent study by the Kentucky Institute of Medicine found that medical liability litigation against doctors is a key factor in the state's need for more physicians.**

- Kentucky's "litigious atmosphere" has caused doctors there to decide to retire early or move elsewhere.
- Aggressive plaintiffs' lawyers in the state have targeted health care providers. That targeting has deterred other doctors from locating their practices in Kentucky.
- The result: A mounting problem of patient access to a doctor's care.

**Runaway medical lawsuits have left Kentuckians short of providers. The state's predatory trial bar has helped caused real accessibility problems for suffering patients.**

- The Kentucky situation proves that litigiousness carries a heavy cost.
- When trial lawyers persistently go after doctors, hospitals and other health care providers as "deep pockets," the eventual cost comes in there being fewer medical providers in the area.
- The report said Kentucky needs 2,300 more physicians. That would bring the state's doctor-to-population ratio up to the national average.
- Kentucky has 214 doctors per 100,000 people. Nationally, the state average is 268 per 100,000.
- The Bluegrass State ranks 32nd among the 50 states on this scale. Rural areas are hardest hit.
- An excess of lawsuits contributes to there being fewer doctors. Fewer doctors translates into patients finding themselves unable to get the care they need in as timely a fashion.

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**Legislation is needed to fix the legal system. It presently allows plaintiffs' lawyers to file frivolous**

**lawsuits without penalty. If crisis states like Kentucky are to see improvement, then balance has to be restored to the legal system.**

- The "Physician Workforce Study" recommended that Kentucky reverse the low supply of physicians by "improv[ing] the medical liability environment" in Kentucky.
- The Kentucky Medical Association has voiced support for fixing "the state's broken medical liability system, which encourages frivolous lawsuits and forces physicians to stop practicing in Kentucky."
- Action at both the state and federal levels would help tremendously to alleviate a chronic, growing problem. Litigation may promise big-dollar payouts to a lucky few – and always the lawyers – but it leaves most patients and medical consumers holding the bag.

**As Kentucky has seen, unmerited medical liability lawsuits carry a high cost. Most people, including patients and health care providers, would prefer to have balance restored to the legal system. Most people would opt for ready access to the medical care they need over the ability to sue doctors and hospitals frivolously. Both Congress and state legislatures need to act.**

*The Healthcare Leadership Council, representing the innovators in each sector of the health care industry, is committed to advancing a market-based health care system that values innovation and provides affordable, high-quality care.*

HLC field directors:

Steve Knuth (651) 225-8449  
(IA, IL, IN, MI, MN, WI)

Darren Katz (404) 885-9351  
(AL, FL, GA, SC)

Paul Pearson (405) 488-0541  
(AZ, CO, KS, NE, NM, OK, TX, UT)

Brad Crone (919) 834-8994  
(KY, MD, NC, TN, VA, WV)

Larry Krutchik (818) 728-3355  
(CA, ID, MT, NV, OR, WA)

Brian Feldman (404) 885-1723  
(AR, CT, LA, MA, MO, MS, NY, RI)

Tom Maher (603) 228-3342  
(DE, ME, NH, NJ, OH, PA, VT)

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**Healthcare Leadership Council  
1001 Pennsylvania Avenue, Suite 550 South  
Washington, DC 20004  
(202) 452-8700  
[www.hlc.org](http://www.hlc.org)**