

mcall.com

Suits against doctors, hospitals lowest in a decade

Pennsylvania court rules reduce frivolous medical malpractice claims.

By Peter Hall, OF THE MORNING CALL

7:13 PM EDT, May 18, 2011

The number of medical malpractice cases against Pennsylvania doctors and hospitals dropped in 2010 to the lowest point since the state's high court enacted new rules designed to prevent frivolous lawsuits.

Statewide, the number of malpractice cases decreased by 45.4 percent from the average before the new rules took effect in 2002. Juries also returned verdicts in favor of defendant health care providers in more than 80 percent of cases statewide, up from an average of about 73 percent, according to data released Wednesday by the Administrative Office of Pennsylvania Courts.

Health care industry advocates who supported the changes, which corresponded to legal, insurance and patient safety reform legislation, said the data vindicates their claims that too many dubious claims against doctors were making it to court.

"There were too many frivolous lawsuits finding their way into our legal system and tying up resources," said Chuck Moran, a spokesman for the Pennsylvania Medical Society.

Blamed by health care industry advocates for rising malpractice insurance premiums and the flight of high-risk medical specialists from Pennsylvania, lawyers who file malpractice claims are now also required to file a statement by a medical expert that a lawsuit is not frivolous.

The high court also enacted a requirement that medical malpractice suits be filed in the county where the health care provider's mistake occurred. That rule is intended to prevent forum shopping, in which lawyers and clients filed cases in counties deemed friendly to plaintiffs.

In Philadelphia, the state's busiest county court system, the number of medical malpractice filings decreased nearly 70 percent. In neighboring Montgomery County, the number of malpractice cases increased by more than 200 percent since 2002.

Tim Conboy, president of the Pennsylvania Association for Justice, said the rules are a reasonable compromise that ensure only legitimate cases make it to trial while ensuring that victims of medical

advertisement

REPLAY

BENNETT

TOYOTA

GRAND OPENING CELEBRATION

JUNE 4th

LEARN MORE ►

The advertisement features a light blue background with green leaves on the right side. At the bottom, there is a photograph of a Bennett Toyota dealership building. The word 'BENNETT' is visible on the building's facade. The text 'REPLAY' is in the top left corner, and 'LEARN MORE ►' is in the bottom left corner. The Toyota logo and the Bennett logo are positioned to the right of the main text.

mistakes can be compensated.

"The statistics show that the rules are working," Conboy said.

James Redmond, senior vice president of legislative services for the Hospital and Healthsystem Association of Pennsylvania, said the rules have stabilized the cost of malpractice insurance, but Pennsylvania remains among the most expensive in the nation.

Medical malpractice lawsuits

Since the Pennsylvania Supreme Court placed restrictions on medical malpractice lawsuits in 2002, the number of new filings has steadily declined statewide. Some counties buck the trend:

CountyLawsuitsPercentage change under new rules

Berks30 -16%

Bucks56 8%

Carbon8 71%

Lehigh38 48%

Monroe2 -81%

Montgomery66 205%

Northampton15 79%

Schuylkill13 -56%

Copyright © 2011, [The Morning Call](#)