

FACT SHEET

Malpractice myths

Myth

The cost of malpractice insurance is forcing doctors out of business.

- **Fact: Malpractice insurance rates dipped by an average of 4 percent across the country in 2007.**
- **Fact: Family physicians, internists and pediatricians paid a median of \$12,500 annually for malpractice coverage — a small expense compared to their overall earnings.**
- **Fact: While obstetrician-gynecologists paid a median of \$55,000 annually for malpractice coverage, their practice incomes were much higher than other primary care physicians.**

(Medical Economics, "2008 Exclusive Survey — Malpractice premiums: Dropping, but still high," Aug. 1, 2008).

- **Fact: Oklahoma has lower malpractice insurance rates than most carriers in Missouri, Kansas, New Mexico, Colorado and Texas.**

("Medical Liability Monitor," Oct. 2007, Vol. 32, No. 10).

Myth

Out-of-control lawsuits are hurting Oklahoma doctors.

- **Fact: Average malpractice payouts to individuals in Oklahoma declined by 16.4 percent from 1996-2003, when adjusted for medical services inflation.**
- **From 1996-2004 the number of payouts of \$1 million or more averaged 5.4 a year.**
- **From 1996-2004 only 12.2 percent of payouts were for more than \$600,000.**

(Public Citizen, "Medical Misdiagnosis in Oklahoma: Challenging the Medical Malpractice Claims of the Doctors' Lobby," April 2004.)

- **Fact: Only 16 malpractice lawsuits went to a judge or jury verdict in Oklahoma in 2007 out of 687 closed claims.**
- **Fact: The average award or settlement in Oklahoma in 2007 was \$275,151.**

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- **Fact: Only 12 of Oklahoma's 77 counties had five or more closed claims in 2007; almost half of the state's counties had no closed claims at all.**
- **Fact: Four hundred ninety-four claims were dismissed or settled without a lawsuit being filed.**
- **Fact: One hundred seventy-five claims were settled after a lawsuit was filed.**
- **Fact: Not a single dollar was paid for punitive damages.**
- **Fact: The total amount of awards and settlements in Oklahoma in 2007 was \$66.3 million.**

(Oklahoma Insurance Department, "Medical Professional Liability Insurance Closed Claim Annual Report").

- **Fact: The number of paid claims per 1,000 physicians dropped from 25.2 to 18.8 from 1991 to 2003.**
- **Fact: Malpractice payouts (judgments and settlements) increased at an average annual growth rate of 4 percent from 1991-2003 — growing proportionately with health care spending.**

(Health Affairs, "Trends, The Growth of Physician Medical Malpractice Payments: Evidence from the National Practitioner Data Bank, May 31, 2005).

- **According to the Kaiser Family Foundation (www.statehealthfacts.org), the average payment on medical malpractice claims in 2007 was \$272,294 — well under the national average of \$326,637 per claim. This ranks Oklahoma 21st in per-doctor average.**

About the Oklahoma Foundation for Consumer & Patient Rights

The Foundation is a nonprofit consumer and patient advocacy organization whose mission is to produce and disseminate timely and informative analysis and information on public policy issues that impact consumer and patient safety. For more information on the Oklahoma Foundation for Consumer & Patient Rights, please call 800-994-6025 or visit www.okccps.org.

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