

Is the sky really falling?

By Hugh M. Robert

State Chamber official Mike Seney (Opinion, May 17) and House Speaker Todd Hiett's claims that Oklahoma businesses are leaving the state, businesses are not coming to the state, and doctors are leaving due to their medical malpractice rates remind me of the childhood tale "Chicken Little" who went around crying "the sky is falling, the sky is falling."

Hiett and the chamber haven't named a single business that has actually left Oklahoma due to frivolous lawsuits. The chamber's own survey ranks Oklahoma's business environment higher than states that have already passed lawsuit reform, including Texas and California. It's interesting that in his recent article, Seney relied on a report from a politically motivated think tank rather than their own U.S. Chamber of Commerce survey.

A recent study done by researchers at Harvard University shows the chamber's allegations and logic to be flawed. The study found that "people who file lawsuits against doctors accusing them of medical mistakes rarely do so frivolously, and those who file trivial claims generally receive no payout."

According to data from the Oklahoma State Board of Medical Licensure and Supervision and Board of Osteopathic Examiners, Oklahoma ranks sixth per capita for the number of doctors who reside and practice in Oklahoma. The number of licensed physicians and osteo-

paths practicing in the state is actually up almost 9 percent from 1995 to 2004.

Doctors are claiming insurance rates are forcing them to consider retirement or leave the state. According to the federal government's Medicare program, Oklahoma doctors spend an average of only 1.7 percent of their practice incomes on malpractice insurance, compared with a nationwide average of 3.9 percent. This means Oklahoma doctors pay 56.4 percent less than the national average.

It would seem that a more productive conversation would be focused on ways to reduce the number of preventable medical errors. Extrapolating from Institute of Medicine findings, it would put an estimate of at least 528 to 1,176 deaths in Oklahoma each year that are due to preventable medical errors in hospitals.

Additionally, rather than taking away one's rights, they should take care of the true problem. According to the National Practitioner Data Bank, just 3.6 percent of Oklahoma doctors have been responsible for 43.4 percent of all malpractice payouts to patients. Even more surprising, just 1.3 percent of Oklahoma doctors, each of whom has made three or more malpractice payouts, were responsible for 22.9 percent of all payouts.

The most troubling section of the bills proposed this session is the cap on noneconomic damages. Such caps are discriminatory toward women, children, elderly and the poor who have no income. If a negligent physician left a child blind and paralyzed for life, \$300,000 is the most that innocent child could receive for his life of darkness and immobility.

So since the sky isn't falling, we're left to ask ourselves why the State Chamber and Speaker Hiett are trying to take away consumers' and patients' rights and discriminate against the most vulnerable people in our state.

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