



Surgeon's Arguments Against Medical Malpractice Reform and Damage Caps

Levin & Perconti

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In an April 4th online article posted on Reason.com, a bi-partisan online news site that focuses on current events and issues, surgeon Dr. Jeffrey Singer discussed his views on medical malpractice reform. Citing his personal feelings along with multiple published studies, Singer concludes that tort reform, the practice viewed by Republicans as the answer to high medical insurance and medical procedure costs, is a blow to the founding principles of federalism. Singer also views the practice as a faulty diagnosis of our country's health care crisis. While Singer says that after 30 years in private practice, tort reform is something he hopes to see happen, he wants to see it at the state level and is not so sure that it's the answer to any of the issues plaguing our health care system today.

Elimination of Lawsuit Threat Not a 'Magic Wand'

Dr. Singer discusses the theory that eliminating medical malpractice lawsuits or capping the amount of non-economic damages would lead to a scaling back on ordering unnecessary tests and procedures. Singer chooses the other side of the fence and argues that he believes it could lead to medical errors that would still end up costing hospitals, providers, and insurance companies in the end. If a small but potentially unnecessary test is ordered and it discovers cancer, for example, the diagnostic test and early treatment would likely cost significantly less than treating a more advanced cancer IF and when it is actually found. Singer also believes that lawsuits have been a consideration in medicine for so long that their influence is ingrained in the profession from the very first days of medical school. The emphasis placed on testing is "baked in the cake," according to Dr. Singer.

Data Doesn't Support Theory that Tort Reform Is the Answer

Dr. Singer uses several reputable studies to enforce his belief that medical malpractice caps are not the cure to exorbitant medical and insurance costs. He cites two 2015 studies led by a J.D./M.D. professor at University of Illinois that revealed two major findings: The first, that medical malpractice caps only potential impact will be to *increase* healthcare spending, while the second debunked the myth that states that impose caps will attract physicians.

Singer also leans on a 2014 study by the Cato Institute that found that Medicare Part B spending actually increased by 4-5% in states that enacted tort reform and imposed malpractice caps.

Tort Reform Undermines Founding Principles of This Country

Singer's last argument against medical malpractice reform is that he believes it undermines our Constitution. He points out that medicine is typically practiced within one state, making it very clearly an issue that should be left in the hands of the state. If the federal government were to step in and decide that every state should follow the same guidelines for medical malpractice lawsuits and adhere to the same minuscule non-economic damage cap (currently believed to be \$250,000), they would be stomping on the principles of federalism and thumbing their noses at state governments and lawmakers. While Singer wants healthcare reform, he makes a great point in arguing that federally imposed caps on damages are not the antidote to the mess we're currently dealing with.