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Oregon Chapter, American College of Emergency Physicians (O.C.E.P)

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## **OR-ACEP Statement on SB 487 Medical Liability**

The Oregon Chapter of the American College of Emergency Physicians (OR-ACEP) opposes SB 487, which eliminates the constitutional \$500,000 limit on noneconomic damages recoverable in civil jury lawsuits and doubles the cap for wrongful death lawsuits. The costs of defensive medicine are driving up the price of health care for everyone and harming patients in the process. The lack of medical liability limits is directly linked to workforce shortages in medicine, especially among specialists needed to see patients in the emergency department.

### **The medical liability crisis affects patients**

States with challenging medical liability climates have a much harder time attracting and retaining an adequate physician workforce. Patients face physician shortages, delays in care and increased costs as a result.

The most dangerous consequences are delays in medical care caused by physician shortages. Many on-call physicians will neither care for emergency patients nor perform high-risk procedures out of fear of lawsuits. This may result in some patients not having access to specialists, such as neurosurgeons, orthopedists and hand surgeons. The shortage of specialists willing to take call in the emergency department leads to dangerous delays in care.

### **The medical liability crisis affects what happens in emergency departments**

Emergency departments care for the most severely ill and injured patients who are at greatest risk of dying. Therefore, emergency physicians can't afford to miss any symptom or condition that may pose a health risk. They are required by law to treat anyone who comes through the door, regardless of insurance status or ability to pay. Very often they are working with little or no knowledge of the patient's history. Lacking liability protections, emergency physicians are more likely to order extensive tests in order to rule out absolutely every life-threatening condition.

This isn't just an Oregon problem. An poll conducted by the American College of Emergency Physicians in 2011 showed that nationally 44 percent of emergency physicians consider the lack of liability protection the single biggest obstacle to cutting costs in the emergency department. The same poll showed that more than half (53 percent) of emergency physicians order the number of tests they do because they fear being sued. The costs of defensive medicine are paid by all Americans through higher premiums for health insurance and higher out-of-pocket payments for care.

OR-ACEP urges a 'no' vote on SB 487.