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HEADLINE: STUDY: NO MEDICAL MALPRACTICE CRISIS IN TEXAS

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BODY:

In his pitch for legislation imposing a "hard cap of \$250,000" on medical malpractice awards for non-economic damages, President Bush points the finger at what he calls "a broken medical liability system." But a new analysis of malpractice claims filed over 15 years in his home state of Texas found no such crisis there.

"We find no evidence of the medical malpractice crisis that produced headlines over the last several years and led to legal reform in Texas and other states," a group of four legal scholars concluded in a report being released today. "What we found is a sea of calm" in Texas malpractice claim cases from 1988 to 2002, said co-author David A. Hyman, a University of Illinois professor of law and medicine. "So, at least in Texas, the tort system can't be the cause of spikes in malpractice premiums."

But Bush, the AMA and some conservative scholars argue that an onslaught of lawsuits -- and blockbuster jury awards -- have forced malpractice premiums to historically high levels.

The Texas study found little to support those assertions. From number of claims filed to damages paid out, the data reflect amazing stability in the tort system, said the peer-reviewed paper, appearing in the May issue of the Journal of Empirical Legal Studies.

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