



Preserve **Medical Liability Protections**

In 2003, the Texas Legislature passed sweeping liability reforms to combat health care lawsuit abuse, reverse skyrocketing professional liability insurance premiums, and ensure Texans' access to high-quality medical care. These reforms swiftly ended an epidemic of lawsuit abuse, brought thousands of sorely needed new physicians to Texas, and encouraged physicians to return to caring for patients with high-risk diseases and injuries.

The centerpiece of those reforms was a \$250,000 cap on noneconomic damages that could be assessed against physicians in a liability judgment and a \$750,000 total, stacked cap on noneconomic damages assessed against physicians and two different types of health care facilities (such as a hospital and nursing home). There is no Texas cap on economic damages. Texas voters then approved Proposition 12, a constitutional amendment that ratified the legislature's authority to impose these important reforms.

This in turn has attracted more physicians to practice in Texas, which continues to show explosive population growth, helping meet the critical need for adequate access to health care for Texas patients.

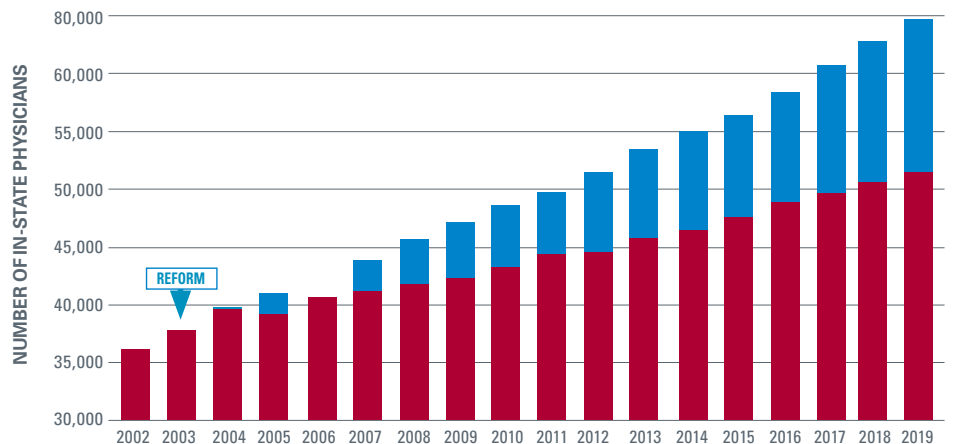
Physicians also have benefited from much lower liability insurance rates and fewer nonmeritorious lawsuit filings.

Thanks to 2003 Tort Reforms, Physician Growth Far Exceeds Population Growth

In-state physicians per capita

- Projection of physician growth based on population growth
- Actual physician growth as a result of tort reform

Source: Texas Medical Board, May Reports, Physicians Demographics, Texas State Data Center



Physicians, health care workers, first responders, and health care facilities statewide are being pushed to their limits by COVID-19, a disease not yet well understood. To protect Texans' access to critically important health care during these unpredictable times, the legislature should ensure health care professionals and facilities are protected from liability both during the declared COVID-19 disaster and proactively when a future declared disaster strikes. Preserving Texas physicians' liability protections is critical to ensuring patients receive health care they need when they need it.

TMA's Legislative Recommendations

- Protect the 2003 health care liability reforms, including caps on noneconomic damages and protections for those providing emergency services.
- Oppose any effort that would dilute Texas' medical liability reforms, liability safe harbors, or misguided proposals that would weaken the Texas Medical Board.
- Maintain the special liability standard for emergency department services, obstetrical units, and emergency surgery.
- Enhance liability protections for physicians during declared disasters and in the immediate aftermath.



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