

## **Docs need a new lobbyist**

By Bill Newton, executive director, Florida Consumer Action Network

Doctors in Tallahassee this week heightened the drama around the medical malpractice insurance debacle by staging a walkout in an effort to push the Legislature into meeting their demands. It's no accident that this most recent skirmish in the medical malpractice battle coincided with the opening of the special session that began Monday.

And it's also no coincidence that the doctors – apparently coordinated by the Florida Medical Association – went on strike in Jacksonville, Senate President Jim King's hometown. King's opposition to the Florida House medical malpractice insurance plan that includes a \$250,000 cap on non-economic damages makes him an obvious target for the FMA and its influential insurance company sponsors.

Unfortunately, Florida physicians have either been bamboozled by the insurance industry or are simply using rising medical malpractice premiums as a foil in order to gain immunity from lawsuits. Either way, their "strike" is cynical and deceptive.

Doctors claim the strike and the slowdowns on services are in reaction to unaffordable premiums. But doctors know that the \$250,000 cap on non-economic damages will do nothing to lower rates; the insurers have openly admitted this. Yet the FMA opposes the Senate medical malpractice insurance plan that guarantees a rate rollback, the relief the doctors supposedly seek.

So what does this all mean for consumers in the Sunshine State?

It means that, once again, Florida consumers are getting the shaft.

It means that physicians and hospitals don't really want lower insurance premiums. Instead, they want to be freed from being held responsible for egregious errors like those that left a Wisconsin woman without breasts after being misdiagnosed with a cancer she did not have.

It means that doctors are exploiting their unique position as caregivers and holding their patients lives and their patients' well-being hostage in order to intimidate the Legislature into acquiescing to their demands. This misguided method of political propagandizing is not only wrong, it's dangerous. No deaths have been reported as caused by the strike so far, and, hopefully, none will be. But Floridians should not have to cross their fingers and hope that when they open the door to the emergency room someone will be on the other side. We deserve more dedicated medical professionals than that.

If this is the misguided strategy the FMA is advising doctors to employ, the doctors ought to consider hiring a new lobbyist, one with the integrity to tell Florida physicians that they are putting their patients in danger and that they are losing their credibility by resorting to such theatrical tactics.

The current rate cycle that doctors and insurers blame on victims of medical malpractice is in fact caused by financial market conditions, a decade of competitive price wars that led to undervalued premiums, and corporate mismanagement by the insurers. Florida's largest medical malpractice insurer, First Professionals Insurance Company (FPIC), lost millions on its investments in WorldCom bonds and has passed those losses on to the premium payers, mainly doctors. Why isn't the doctor's lobbyist working on that?

Instead of creating more havoc in the healthcare system, physicians should join the Florida Consumer Action Network and support the ballot initiatives that will roll back rates and end the insurance company anti-trust exemption. These measures and others contained in our initiative package will end the cycle of rising insurance rates in all lines of insurance and bring immediate and necessary relief to *all* insurance consumers, not just doctors. The initiatives open up the insurance rate-making process by allowing full scrutiny of rate increase requests.

FPIC contributes \$500,000 each year to the Florida Medical Association (FMA). FPIC is also the solitary medical malpractice insurer endorsed by the FMA. Unfortunately, it is not surprising that the FMA is advocating positions that benefit a large donor, but doctors should scrutinize how their dues are being spent and whether their best interests are being served by the FMA leadership. They clearly are not.