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Physicians Oppose Caps Law

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TALLAHASSEE - Like most doctors, Jensen Beach obstetrician Mylaine Riobe-Heron says there's a desperate need to reduce malpractice insurance rates.

Her premiums are near \$70,000 a year, threatening her ability to practice.

But unlike many of her colleagues, Riobe-Heron doesn't say the solution lies in limiting damages in malpractice cases to \$250,000. She's part of a small group of doctors bucking the medical establishment by pushing for a different solution.

"Organized medicine has the mistaken belief that caps are the answer to our problem," she said Wednesday. Her group, the Coalition for Patients Rights, which includes about 300 doctors, says limiting damages won't lower their rates and keep doctors practicing.

The Florida Medical Association, representing 16,000 doctors, has been a vocal proponent of stemming the rising cost of malpractice insurance by limiting courtroom damages. The House passed a bill this year capping some types of damages at \$250,000.

But the Senate refused to pass it, saying some malpractice victims deserve more and that limiting damages would limit justice. Lawmakers are likely to tackle the issue again this summer.

The Senate is holding out against a hard \$250,000 cap on damages and might propose the idea being pushed by anticap doctors.

The group is backing creation of a review board of three doctors from the same specialty as the accused. The board would be backed by a fund maintained by doctors to compensate victims when a doctor is found guilty. If victims aren't satisfied, they could then sue.

Indiana, Louisiana, Wisconsin and New Mexico have such boards. Supporters say they could pay victims almost immediately, unlike court-mandated payouts. And the board could recommend probes of doctors in egregious cases. Two nondoctors would be on the board.

The group's plan would limit damages to \$1 million per defendant, four times what the FMA is proposing. But coalition Executive Director Ned Schuster said if a plaintiff's economic damages exceed payoffs, the victim could petition the fund for more compensation.

The group proposes replacing insurance companies in the malpractice business with the physician-supported fund. They say it would be cheaper because the fund would be nonprofit and bankrolled by doctors.

This story can be found at: <http://tampatrib.com/floridametronews/MGA89MG90GD.html>