



An Independent  
newspaper serving Ohio  
since July 1, 1871

# The Columbus Dispatch

## EDITORIALS

### Effective treatment

*Settlement caps, scrutiny of lawsuits have reduced pressure on health costs*

**T**he numbers of medical-malpractice lawsuits have decreased dramatically in Ohio, and that's good for Ohio's health-care system. Other states that would like to make a dent in health-care costs would do well to emulate what Ohio has done.

From 2005 to 2008, the number of malpractice claims closed per year has fallen 40 percent, dropping from 5,051 to 3,080. Because of the drop in claims, malpractice-insurance premiums have decreased by 22 percent over the past four years, and the number of companies offering malpractice insurance to doctors has increased from just a few to more than 15. The increased competition further drives down the price.

This reduces a key driver of medical costs, benefiting everyone who pays for health care.

Ohio's success can be traced to a movement several years ago to slow down a disastrous escalation in malpractice suits.

In 2003, Gov. Bob Taft signed a bill that capped noneconomic damages at \$350,000 per plaintiff, or a maximum of \$500,000 per occurrence. In cases of catastrophic injuries — those that cause permanent physical defor-

mity or loss of a limb or an organ system, or prevent a person from being able to care for himself — the cap is \$500,000 per plaintiff up to \$1 million per occurrence.

Some people have decried the law as unfair, but everyone must remember what has been capped: noneconomic damages, better known as "pain and suffering," which are difficult to quantify. What remains unlimited is the amount that a victim can collect for actual losses, including medical expenses and lost wages.

Some lawyers who specialize in malpractice cases point to another change as the part of the reason for the decrease in litigation: In 2005, the Ohio Supreme Court introduced an "affidavit of merit," which mandates that lawyers seek an expert witness, usually a doctor, to vouch for a claim before it is filed. The aim is to weed out frivolous claims.

However these factors interact, this is a 180-degree turn from where Ohio was headed in the early 2000s. Then, it was not unheard of for malpractice-insurance rates to rise by 30 percent or more per year. In some parts of Ohio, premiums had climbed to more than \$100,000 a year, which drove some doctors in riskier specialties, such as obstetrics, out of the state or into retirement.

Ohioans are better off for these developments.



ONLY IN  
THE DISPATCH