

POLICY FORUM

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INTRODUCTION

Professional Liability Insurance: Crisis or Not?

Among the most contentious issues facing the current session of the North Carolina General Assembly is the matter of professional liability insurance reform. The arguments for and against specific legislative proposals to address the high costs of professional liability insurance have been forcefully argued by health professional and healthcare trade associations, trial attorneys, and consumer interest groups. These issues are so pervasive throughout the nation that the US Congress is working feverishly to pass legislation in the current session, with substantial pressure from the Bush Administration.

In view of the salience of these matters in our own state, the Editorial Board of the *North Carolina Medical Journal* made the decision to devote the Policy Forum in this issue of the Journal to these topics. Rather than a single "issue brief" to begin the forum, followed by our usual set of shorter "commentaries," we include five separate and equally-weighted perspectives. We are grateful to the authors of these papers for bringing these perspectives to bear on the unfolding debate on the need for professional liability reform in North Carolina.

Joseph Jenkins, MD, JD has offered the perspective of the NC Medical Society's Professional Liability Task Force. Mark T. Sumwalt, JD, and Burton Craige, JD, MPH, have offered the perspective of the NC Academy of Trial Lawyers. From these two opening perspectives, we have asked David P. Sousa, JD, General Counsel of NC Medical Mutual Insurance Company, and Linwood Jones, JD, General Counsel of the NC Hospital Association, to comment on the perceived need for legislative action in this area. Finally, we have asked Frank A. Sloan, PhD, the J. Alexander McMahon Professor of Health Policy and Management and Professor of Economics at Duke University, who has studied medical malpractice issues over many years, to discuss different ways in which the single facet of malpractice reform receiving the greatest emphasis, namely the issue of whether to establish ceilings on nonpecuniary losses, might be dealt with in the context of liability reform efforts.

We understand that there are major differences in the views of these authors and their respective organizations and constituencies. In many cases, the authors rely on similar available data to draw quite different conclusions. In some cases, strong statements are made and conclusions drawn on the basis of assumptions about what *might* happen in the future if current trends continue. Some see these "trends" as relatively less important than others. The reader may be thankful that he or she was not personally elected to make such a policy decision, or to live with its consequences.

In presenting these perspectives the Editors of the *Journal* offer no summary statement about what specific policy decision should or could be made. It is our intention to make these perspectives, and whatever data do presently exist pertinent to these discussions, widely available and all in one place. We hope that the availability of this information will serve a useful purpose as these issues are debated in various settings. As always, we welcome your letters to the editors in order to further extend these analyses and to keep the discussion focused on the most important health and healthcare issues facing North Carolinians.

—Gordon H. DeFriese, PhD
Editor-in-Chief and Publisher