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LEADING PHYSICIAN GROUP SAYS GEORGIA SUPREME COURT DECISION OVERTURNING TORT REFORM LAW IS HUGE LOSS FOR PATIENTS

ATLANTA – Gary C. Richter, M.D., the president of the Medical Association of Georgia (MAG), says today’s Georgia Supreme Court decision (*Nestlehutt v. Atlanta Oculoplastic Surgery*) overturning the 2005 tort reform law that put a \$1 million limit on the damages that are associated with the “pain and suffering” that can be awarded during a medical liability lawsuit is a huge loss for patients in the state.

“Georgia’s patients have enjoyed increased peace of mind because physician services have been far more accessible since Senate Bill 3 became law, so we are extremely concerned about this decision,” says Dr. Richter, who also pointed out that there is no cap on “economic” damages (e.g., lost wages or medical expenses) in Georgia. He explains that tort reform has effectively reduced professional liability premiums and reinforced critical health care needs like obstetrical and general surgery services in the state.

“This decision is unacceptable and unsustainable, and I believe it’s one that’s going to energize and unify the physician community in Georgia,” Dr. Richter says, adding that MAG has already begun assessing its legislative options. “I’m appealing to every physician in this state to join us in our advocacy efforts to mitigate the detrimental effects that this decision is going to have on our patients, as well as the practice environment.”

He says that there are some 1,000 more physicians in Georgia since the tort reform law passed in 2005, according to a study of private practice physicians in the state by the Carl Vinson Institute of Government at the University of Georgia in Athens. The Atlanta-based gastroenterologist also explains that according to MAG Mutual Insurance Company, medical liability insurance costs are down by 18 percent in the state since 2005. Furthermore, he says that MAG Mutual has reported that its premiums have not increased since 2005. And Dr. Richter points out that the frequency of claims has decreased by 30 percent since 2004, according to MAG Mutual.

“Georgia’s tort reform law has served as a catalyst for increased competition,” Dr. Richter says. “There are now 18 insurance carriers writing \$1 million or more in medical liability insurance policies for physicians in Georgia.” He says this kind of free-market approach is consistent with MAG’s efforts to promote “patient-centered” health care reform, adding that, “What’s imperative is ensuring that patients have access to a physician in their time of need.”

With more than 6,000 members, MAG is the leading voice for physicians in Georgia. Go to www.mag.org for additional information.

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