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August 11, 2011

Tort Reform and the Risky Perils of Texas Hospitals



Maybe this will finally jolt people into understanding what happens when a state severely reduces a hospital's accountability for negligence.

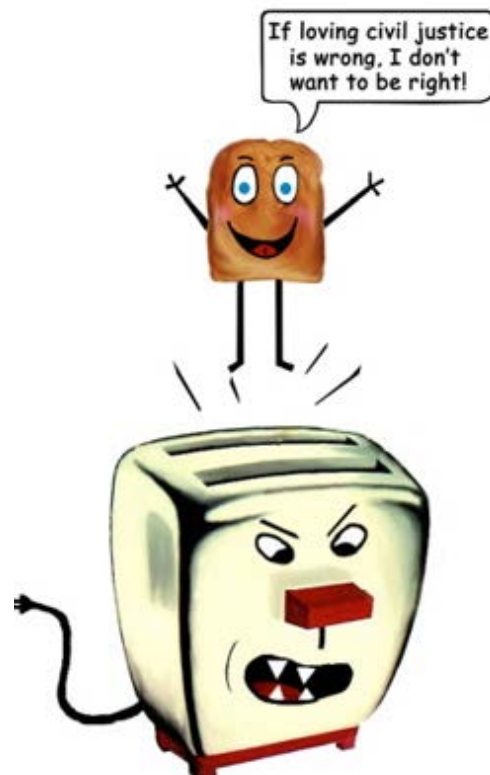
[Parkland Memorial Hospital](#), the Dallas hospital to which they rushed President John F. Kennedy to try to save his life, has now become such a "serious threat" to patient safety that government is considering throwing it out of the Medicare program.

As the *Associated Press* [reported](#),

"It is rare for the government to take such action," [Centers for Medicare & Medicaid Services] spokesman Bob Moos said Wednesday. "Two Parkland violations relating to infection control and emergency care issues are so serious that they triggered 'immediate jeopardy' status. That is the most severe finding we can have in a hospital, and it requires immediate attention."

In addition to the state's severe "cap" on compensation and other [restrictions on patients' legal rights](#), enacted after voters were convinced to change the state constitution in 2003, cases involving medical malpractice in emergency rooms have been knocked out almost completely, making Texas ER's some of the [most dangerous](#) in the country. "What Texans don't know is that their Legislature has mandated a very low standard of care — almost no care," says Brant Mittler, a Duke University-educated cardiologist in San Antonio who added malpractice law to his resume in 2001."

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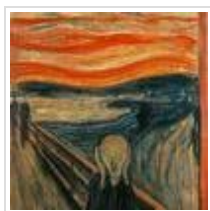
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I mean, you can't blame the government for taking this step given the cost of the increasing amount of medical negligence in Texas. [Medicare spending](#) there "has risen 16% faster than the national average since Texas restricted the legal rights of patients. Four of the nation's 15 most expensive health markets as measured by Medicare spending per enrollee are in Texas."

Unfortunately for Texas, these stories [won't stop](#).

UPDATE: And you wonder how this happens? Check out the [story](#) from the *Texas Tribune* today: "The 15 largest donors to Texas politicians and PACs gave a total of \$4.7 million in the first six months of 2011, according to a Texas Tribune analysis of [Texas Ethics Commission](#) filings. The biggest beneficiary of their largesse: the [Texans for Lawsuit Reform Political Action Committee](#)."

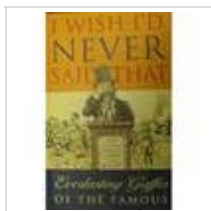
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