

Domino, KB: Increasing Costs of Professional Liability Insurance. *ASA Newsletter* 67(6): 6, 2003.

The medical liability insurance crisis has escalated during the past year with continued loss of liability insurance carriers, skyrocketing insurance premiums, high jury awards, reductions in high-risk services, physician demonstrations and possible state and federal medical liability tort reform.¹⁻⁴ Although loss of insurance and rate increases have not been as dramatic in anesthesiology as in obstetrics and some other surgical specialties, most anesthesiologists have experienced significant premium increases in 2003.

This year, the ASA Committee on Professional Liability again conducted a telephone survey to a variety of medical liability insurance carriers to assess rate changes in various states in 2003. Premiums for anesthesiologists in 2002^s increased an average of 28 percent from an average of \$15,476 (range of \$4,855 to \$58,089) to an average of \$21,351 (range of \$7,216 to \$124,598) in 2003. According to our informal survey, states with average premiums of more than \$20,000 for anesthesiologists included Alaska, Connecticut, Florida, Michigan, Montana, Nevada, Ohio, Rhode Island, Texas, West Virginia, Wyoming and Washington, D.C. Florida had the highest premiums in the nation. States with the largest increases in premiums in 2003 (50-percent to 150-percent increases compared to 2002) included Florida, Michigan, Nevada, Ohio, Pennsylvania and West Virginia. Rate increases have been particularly problematic for physicians when medical liability carriers in the state have withdrawn from the market.

Given the current volatility and crisis in availability and affordability of medical professional liability insurance, what are ASA and the Committee on Professional Liability doing for its members? As in the past, ASA continues to focus on improving patient safety to reduce severity of injury through its sponsorship of the Closed Claims Project (see related articles that follow in this *NEWSLETTER*). ASA has created several new initiatives, including a provocative proposal on irresponsible expert witness testimony spearheaded by ASA President-Elect Roger W. Litwiller, M.D., which will be considered by the ASA House of Delegates in October 2003.

The ASA Washington Office also maintains a list of liability insurance providers by state. For more information, contact Lisa Percy at [<l.percy@ASAwash.org>](mailto:l.percy@ASAwash.org) or by telephone at (202) 289-2222. ASA legal counsel Michael Scott, J.D., Director of Governmental and Legal Affairs, is currently polling ASA component society membership to see if any anesthesiologist has retired, left the specialty, moved or altered practice due to premium increases not related to claims for adverse anesthesia events against the anesthesiologist. Mr. Scott's survey is specifically in response to a request by the White House to energize Congress in passing federal professional liability reform legislation. Please contact Mr. Scott at [<m.scott@ASAwash.org>](mailto:m.scott@ASAwash.org) or Karen B. Domino, M.D., at [<kdomino@u.washington.edu>](mailto:kdomino@u.washington.edu) if you have experienced such a problem.

2003 is proving to be an eventful year in the medical liability arena.

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