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Modified Language Would Curb Medical Liability Costs

HARRISBURG (February 3, 2010) –Pennsylvania Orthopaedic Society (POS) President Wayne Sebastianelli, MD today joined other leaders in Pennsylvania’s business and medical community during a press conference at the state Capitol where Senator John Rafferty (R, Montgomery) introduced Mcare 500/500 legislation intended to strike the language in Act 13 of 2002 that increases the basic medical liability insurance level from \$500,000 to \$1 M.

If the Mcare phase out schedule contained in Act 13 remains, in a few short years physicians may be required to carry \$1 million of private market coverage while continuing to pay Mcare Fund annual assessments. “This means that orthopaedic surgeons and other physicians will have medical liability costs that would be substantially higher than they would if they only had to carry the state mandated \$1 million in basic coverage,” said Dr. Sebastianelli, “in essence, physicians face million dollar coverage premiums plus thousands in assessments.”

“The eventual outcome creates a huge medical liability burden for POS members and puts in place a significant barrier to recruiting the best and brightest young orthopaedic surgeons to Pennsylvania,” Sebastianelli stated, “this outcome also mitigates many of the gains made by the medical community over the past decade that were enacted by the General Assembly and Governors Schweiker and Rendell.”

“This is a scenario our Society’s leadership wants to prevent. To avoid that result, Senator Rafferty’s legislation would maintain the basic coverage level at \$500,000. It would also eliminate the Insurance Commissioner’s authority to conduct market studies and increase the basic coverage level. We thank Senator Rafferty for his leadership on this vital issue.”

POS also thanks Senator Rafferty for introducing SB 1174. This legislation is a positive step toward ensuring that physicians’ voices will be heard in regard to the distribution of Mcare fund proceeds. Under SB 1174, a Mcare Commission will be created and consists of representatives from the physician community, among others. Mcare Fund annual assessments would not be distributed without the Mcare Commission’s approval.

Finally, the Pennsylvania Orthopaedic Society recognizes Senator Rafferty for his leadership on Mcare issues. We look forward to working with the Senate and House to achieve swift passage of these legislative proposals.

POS is a professional medical specialty organization representing more than 900 orthopaedic surgeons across Pennsylvania in advocating for excellence in the practice of orthopaedic medicine. For more information, visit the POS website at www.paorthosociety.org.