



# The Florida Senate

Interim Project Report 2008-138

December 2007

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Committee on Health Regulation

ADDENDUM

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## AVAILABILITY OF PHYSICIANS AND PHYSICIAN SPECIALISTS FOR HOSPITAL EMERGENCY SERVICES AND CARE

Interim Project Report 2008-138 is updated to reflect current data available in the most recent Office of Insurance Regulation (OIR) 2007 Annual Report. The OIR originally published its 2007 Annual Report on September 28, 2007, from which the Committee used information for its interim project report. Based on the republished report by OIR on October 23, 2007, the following change has been made. On page 4, paragraph 2 under Medical Malpractice Liability is rewritten as follows:

In 2006, the total medical malpractice insurance premium, at \$847 million, decreased by 3 percent from the year before and has dropped for a third consecutive year.<sup>23</sup> Tort reform in Florida has reduced *the frequency of claims while* the severity (type of injury – minor, to death of insured) of claims *continues to rise at about 5 percent*. Florida medical malpractice insurance companies reported **3,811** closed claims in Florida, *a negligible increase from the* 3,753 claims reported in 2005. Seven new companies entered the Florida medical malpractice market during 2006. The Office of the Consumer Advocate has argued that medical malpractice losses and expenses have decreased by 43.6 percent in the two years subsequent to the passage of the 2003 tort reform but that decreases in malpractice insurance premiums have failed to be consistent with costs. According to representatives of a major medical malpractice insurer in Florida, a specialist who takes call and treats patients in an ED does not pay a higher premium than one who does not.

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<sup>23</sup>*Id.*