

Preserve Medical Liability Protections

Strong liability protections, including the state's 2003 tort reform law and 2021 law protecting physicians from liability during a declared disaster, make Texas an increasingly attractive state in which to practice medicine. Medical liability protections historically have reduced frivolous lawsuits and lowered physicians' liability insurance premiums. But changes to the current medical liability protections, coupled with rising liability insurance rates and the ongoing physician shortage, would threaten access to specialized care for patients with high-risk diseases and injuries.

Preserving the state's existing medical liability protections and expanding protections for physicians during natural disasters is critical to ensure Texas patients can access the lifesaving care they need, when they need it.

Why Medical Liability Reform Remains Critical for Texas

Since 2003, Medical liability reforms have helped attract more than 18,000 Texas-licensed physicians to the state over projections based on state population growth.¹ However, Texas still lags behind – the Texas ratio of active patient care physicians per 100,000 people is 204.6, well below the national average ratio of 247.5.²

Premiums threaten needed physician growth. After nearly a decade of relatively stable rates, the price physicians pay to insure themselves and their practices against medical liability claims has increased year to year over the past three years – highs unseen since the turn of the century. More than a quarter of Texas premiums increased from 2020 to 2021, and 5% of those premiums increased by 10% or more.³

Strong protections preserve access to care. Texas physicians celebrate the 20th anniversary of the 2003 tort reform law. The law limits the noneconomic damages that can be assessed against physicians in a liability judgment to \$250,000 and limits the total, stacked noneconomic damages assessed against physicians and two different types of health care facilities, such as a hospital and nursing home, to \$750,000.

“So many high-risk subspecialties just did not come to our area to set up a practice. Medical liability reform really, really brought good care to all our patients along the border.”

E. Linda Villarreal, MD
Edinburg Internist

TMA's Legislative Recommendations

- Protect the 2003 tort reform law and oppose any efforts to modify the caps on noneconomic damages, and uphold protections for those providing emergency services.
- Oppose any effort that would limit Texas' medical liability reforms or liability safe harbors, or any proposals that would weaken the Texas Medical Board.
- Maintain the special liability standard for emergency department services, obstetrical units, and emergency surgery.
- Enhance liability protections for physicians and health care providers during natural disasters and in the immediate aftermath.



Physicians Caring for Texans

texmed.org/Legislature

¹ TAPA, Physician Growth Exceeds Population Growth

² AAMC, 2021 Physician Workforce Report

³ AMA, Medical Liability Premium Increases Since 2000