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Res. No. 2030

Resolution calling upon the New York State Insurance Department and the New York State Department of Health to address the high cost of malpractice insurance for general practitioners, obstetricians, and gynecologists.

By Council Members Crowley, Arroyo, Fidler, Liu, Stewart and Weprin

Whereas, Throughout the United States, medical liability insurance premiums have risen significantly for certain types of physicians over the past decade; and

Whereas, In March of 2003, New York State was one of twenty-three states declared to be a medical liability insurance “crisis” state by the American Medical Association; and

Whereas, Hospitals in downstate New York City have seen a 147 percent cumulative increase in the cost of liability premiums between 1999 and 2004; and

Whereas, One field of medical professionals that saw their malpractice rates rise are obstetricians and gynecologists (ob-gyns) who have particular expertise in pregnancy, childbirth, and disorders of the

reproductive system and provide medical and surgical care to women, including preventive care, prenatal care, detection of sexually transmitted diseases, pap test screening and family planning; and

Whereas, The medical liability insurance crisis has made it difficult for ob-gyn physicians to find or afford medical liability insurance and has forced some ob-gyn physicians to cut back on the scope of their business; and

Whereas, Ob-gyn physicians are most commonly sued as a result of brain damage to infants, specifically in the occurrence of cerebral palsy, however 90 percent of cerebral palsy cases are not influenced by obstetrical interventions; and

Whereas, The liability crisis has forced many ob-gyn physicians to take drastic steps, including leaving New York State and providing their services in a state with lower liability premiums; and

Whereas, Since 2003, 8.7 percent of ob-gyn physicians in New York State have stopped practicing obstetrics, 12.6 percent have decreased the number of deliveries they perform as a result of high medical liability premiums, and 66.3 percent have made one or more changes to their practice due to the affordability and/or availability of professional liability coverage; and

Whereas, In 2007, ob-gyn physicians paid the fourth-highest amount for medical malpractice insurance in the nation, according to the Medical Liability Monitor; and

Whereas, The insufficient number of available ob-gyn physicians willing to perform necessary procedures has sometimes forced women to travel longer distances to find a doctor, created longer waiting periods for appointments, and has led some patients to believe physicians devote less time to their appointments; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Insurance Department and the New York State Department of Health to address the high cost of malpractice insurance for general practitioners, obstetricians, and gynecologists.

MF/JM