



Physician Attitudes on Healthcare Reform

An Online Quantitative Study by Jackson Healthcare

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National news has focused on healthcare reform since this summer's Congressional break. President Obama has stated that the American Medical Association (AMA) and physicians support his plan for healthcare reform. Numerous surveys have been publicized indicating the contrary. Jackson Healthcare, a physician staffing and healthcare technology company, with a physician database numbering more than 120,000, conducted its own survey during the month of October in an effort to understand physician attitudes and priorities regarding the reform efforts.

Survey Methodology

- 110,328 invitations were sent to physicians in the Jackson Healthcare database.
- 1,978 physicians completed the survey, a response rate of 1.71 percent.
- The survey has an error range of +/- 1.42 percent, at the 95 percent confidence level.

Key Findings

Misrepresentation in the National Debate

While the majority of physicians we interviewed agreed that we need healthcare reform in the U.S., 90 percent, they feel misrepresented by the AMA in the national debate.

- 46 percent "*strongly disagree*" with the AMA's stand on healthcare reform, supporting the President's plan. Another 16 percent "somewhat disagree", bringing the total who disagree with the AMA's stance to 62 percent.
- When asked which piece of legislation currently being considered in the House and Senate respondents would most prefer:
 - 44 percent chose H.R. 3400 (Republican sponsored)
 - 19 percent chose none of these plans
 - 15 percent chose H.R. 3200 (Democrat sponsored)
 - 7 percent chose the Senate Finance Committee bill

- 2 percent wrote in single-payor system
- 2 percent wrote in medical malpractice reform / tort reform was all that was necessary
- 2 percent stated that healthcare reform was not necessary
- 5 percent did not know

Loss of Control and Need for Medical Malpractice / Tort Reform

Although no piece of legislation “*very strongly*” represented their views, a large majority of physician respondents agreed that the number one element to be included in any piece of healthcare legislation is tort reform, selected by 92 percent of the physicians we interviewed.

Of the physicians we interviewed, 74 percent feel they have less control over the way they practice medicine today than they did five years ago. While they feel pressure from all angles (e.g. malpractice litigation, increased insurer and government scrutiny, etc.), the majority of physicians agree that the threat of a medical malpractice lawsuit (85 percent) is the number one contributor to that loss of control. Additional factors affecting control included:

- Insurance companies (79 percent)
- Government interference (66 percent)

A sample response from one of the survey respondents:

“...Medical Malpractice costs are shockingly high and virtually unknown and unreported and never are included in the reason medical care is so high. Physicians are the most discriminated professionals and businesses in the U.S. This carried out by the government, private insurance companies, and the National Trial Lawyers, who never are subject to regulating legislation to keep check on the enormous expenses they cause the system and the huge profits they reap off the backs of physicians who care for a sicker population. Medical Malpractice is a windfall for unscrupulous legal groups to profit billions with no controls on how they get paid, and yet physicians have to put up with corrupt CMS policies that constantly try to reduce their pay, and threaten us with fraud, when they themselves have a proven over 50 percent corruption rate. Medical Insurance Companies are allowed to look at our charts, yet physicians are prevented from auditing the books of these companies that are registering ridiculous profits, while constantly trying to limit physicians' pay for the hardest working profession in the U.S. The FDA is a blatantly obvious broker of enormous profits for pharmaceutical companies, while doctors are the ones that cause their profits. They pay off Congress with their lobbies, which are nothing but pay-off experts. Yet doctors are never allowed to profit from the billions of prescriptions we write, and yet we are allowed to be sued for using many of these drugs which are extremely dangerous. At the present rate, I promise you, the U.S. will see a doctor 'walk out' if justice is not enacted for physicians.”

Regardless their political affiliation, physician respondents attributed the practice of defensive medicine to excessive waste in the healthcare system:

Sample responses from survey respondents:

“Any debate on healthcare reform needs to start with addressing medical malpractice. To not start a discussion out with this issue means that you really don’t understand the issue. Obama dedicated all of one minute of his healthcare speech to medical malpractice, and it was in the final 10 minutes of his speech. This clearly demonstrates his misunderstanding of the whole healthcare issue. As a practicing ER physician, I estimate that I order about 10,000 to 20,000 dollars worth of unnecessary tests EVERY DAY that I work. This is done due to my fear of litigation. Our government seemingly wants to skirt around this issue, but this needs to be changed. If you extrapolate that number out over the entire country, we are wasting countless dollars. The problem, as I see it, is that lawyers pass laws, and tort reform would effectively hurt their own people, so it is simply being pushed back for this reason. When a physician takes care of a patient, it is simple. We were able to do it 50 years ago without a lawyer, why should we need them now? Tort reform = Health reform.”

“Both sides distort things, especially Conservative opponents of President Obama. Many people who shout 'socialism' don't know what that means... Also, tort reform is essential, even if it won't reduce direct costs as much, because 'defensive medicine' drives costs up even more.”

“Everyone agrees there is a problem. Everyone I know wants more people covered, though to say it is a right is to argue something that is not true to the constitution or the role of the government... We work hard and long and make more sacrifices than people can imagine. I have been training for 16 years now at 60-80 hours per week plus time to study... All studies point to tort reform as key. If society no longer trusts physicians and is no longer willing to protect them from ridiculous legal fears that alter the way decisions are made, costs will continue to rise. Government control and regulation may drive down costs by controlling what can and can't happen (i.e. rationing) but this will be at the cost of quality as well as job satisfaction. Many phenomenal foreign trained physicians will leave. We need to return to the doctor-patient relationship, freedom, choice, and opportunity. Any plan that does not focus on Tort Reform is uninformed and suspect at best.”

“Healthcare coverage is not a RIGHT. It is a privilege. Tort Reform is the biggest issue. The doctors who have pursued extensive education and training, and who carry a great deal of responsibility and liability, should not be the villains in this whole debacle. The best patient care, and attraction of the best and brightest into medicine is accomplished by keeping the government out of healthcare. Everyone needs clothing, so will the government try to manage Macy's next???? So every American can have the decent clothes they are 'entitled' to? I don't think so.”

“Enaction of tort reform would send a clear message that the process is not entirely political.”

“You did not ask anything about cost control. It is estimated that half of the procedures done in this country are of no value... Although medical care costs are crippling the economy, we have to realize that another profession, law, is crippling the economy with runaway costs as well. Tort reform in medicine would be easy... and would be a good model for the rest of the economy.”

“There needs to be a cap on the amount of these ambulance chasing injury settlement suits. The attorneys are the only ones getting rich. The patient hands most of the money to the attorney. It congests our court system and it is not justice. Why should a patient with a known complication get a million dollar settlement??? This is a ridiculous legal loophole. All lawsuits end up with a settlement because people don't have the time or energy to fight the case. I feel every resident should have insurance-free, basic healthcare paid for by the government, supported by income taxes. Additional, private health insurance, including a Government option, may be available. Complication reimbursement should be provided in the basic plan. Optional complication insurance may be available. Complaints against a physician should be adjudicated in front of a physician, within the specialty, a review board. Malpractice and subsequent penalties determined by the review board. Complication damages determined by the complication insurance. No monetary punitive damages unless criminal.”

“The single most corrosive factor destroying the medical system is the siphoning of money away from patient care to administrative function, which amounts to little more than robbery by a class of people who do not have the interests of the patients in view. The second most important factor-no matter what anyone says, is the incredible increase in cost directly attributable to defensive medicine. Lawyers hold malpractice insurance companies by the short hairs, because no one wants their case put before a jury of people who understand as much about the practice of medicine as they do about computer programming, car repair, air conditioning, or any of the other things that surround them, and consequently are reduced to judging by emotion, not fact. No medical malpractice lawsuit should be allowed to proceed without first being reviewed by a medical panel, and frivolous plaintiffs should pay court costs.”

In an effort to cap the maximum penalties for medical liability, ideas put forth by respondents for reforming the medical malpractice / tort system included:

- Compile a list reasonable and expected complications for each procedure / treatment
- Reduce frivolous claims through disincentives:
 - Fine attorneys who support frivolous claims and tax their malpractice awards
 - Medical/legal review panels to screen frivolous lawsuits
 - Loser pays
- Regulate malpractice awards:
 - Cap on malpractice awards or standardized amounts

- Complication insurance/reimbursement provided for listed, reasonable complications as a result of treatment
- Make mediation mandatory
- Trial by peers, not by jury:
 - Expert witnesses against a physician defendant should be a peer – comparable status
 - Medical council instead (like military court martial)
 - Specialized court system (like the current patent law)

Healthcare Reform Legislation Should Include...

A majority of respondents also selected the following elements that they believe should be included in healthcare reform legislation:

- Private insurance industry reform (no pre-existing condition refusal, no dropped coverage except for evidence of fraud, portability from job-to-job, etc.) – 78 percent
- Allow associations – professional, trade, industry – and Chambers of Commerce to provide health insurance to their member groups in order to bring down costs for small businesses – 67 percent
- Allow individuals to opt out of Medicare or their employer-sponsored health benefit plan, giving them a credit to purchase a plan on the individual market if they so choose. Make money spent on purchasing an individual healthcare plan deductible from federal income tax – 61 percent
- An insurance exchange, providing national competition on health insurance plans – 54 percent

The public option was ranked eleventh out of 17 elements, with 32 percent of physicians selecting it. A single-payor national health insurance system was ranked fourteenth, with 22 percent of physicians selecting that option.