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**NEW SURVEY LINKS MEDICAL LAWSUIT REFORM TO IMPROVED  
OB/GYN SERVICES ACCESS IN ILLINOIS**

- *Strong concern remains regarding Illinois' medical liability climate and the fate of reforms.*
- *OB/GYNs less likely to reduce services over liability concerns.*
- *Number of OB/GYNs recommending Illinois to colleagues increases.*

**Chicago** – A new survey of Illinois OB/GYNs demonstrates strong positive gains in physicians' perceptions of the state's medical liability climate and access to obstetric/gynecological care since enactment of medical liability reform in 2005. Despite this overall improvement, the findings also signal a warning: medical liability remains a top-level concern for OB/GYNs worried that Illinois' lawsuit situation remains exceedingly precarious. Conducted jointly by the OB/GYN Crisis Coalition and the Illinois Section of the American College of Obstetricians and Gynecologists (ACOG), the study follows up on a similar survey conducted in 2004.

"Illinois' liability climate has improved, but we definitely aren't out of the woods quite yet," said OB/GYN Crisis Coalition co-chair Lewis Blumenthal, MD, in reaction to survey findings. "The reform law has only been on the books for about three years and affects a small fraction of claims in the litigation pipeline. We need more time to allow lawsuit reforms to take root, especially considering OB/GYNs' improved attitudes and willingness to take on higher risk cases, as these survey findings show. We are only now beginning to experience the stabilization this law was intended to achieve."

Denise Elser, MD, chair of ACOG's Illinois Section, characterized the harm imposed by the medical liability crisis as "severe and longstanding." "We can't expect an overnight transformation, but it appears we may be turning a corner. In 2004, our survey found that Illinois' toxic legal environment would have led only 1 in 10 OB/GYNs to recommend practicing in this state to a colleague. Now, twice as many of my colleagues would encourage new physicians to come here. We need to be able to compete with other states to attract talented young physicians. About three-fifths of our OB/GYN workforce is over the age of 46, which is a big concern given that younger doctors serve a larger share of obstetrical patients."

*The enclosed fact sheet highlights key survey findings. Dr. Blumenthal is a Chicago area OB/GYN who serves as co-chair of the OB/GYN Crisis Coalition. Dr. Elser is a south suburban Chicago urogynecologist who chairs the Illinois section, American College of Obstetricians and Gynecologists.*

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## 2008 Illinois OB/GYN Survey Highlights

### Views of Illinois' Medical Liability Climate are Improving

- The number of OB/GYNs who “strongly agree” that the professional liability environment is the biggest issue facing health care in Illinois dropped from 87% in 2004 to 58% in 2008. Liability reform clearly remains a high-level concern for OB/GYNs, but the degree of concern has declined among OB/GYNs.
- The number of OB/GYNs who “strongly agree” with the statement, “I would not encourage an obstetrician just starting out to practice in Illinois” declined from 63% in 2004 to 43% in 2008.
- The number of OB/GYNs who would recommend practicing in Illinois doubled from 11% in 2004 to 23% in 2008. While three-quarters of doctors remain hesitant to encourage colleagues to come to Illinois, views appear to trend toward an improving practice climate.

### OB/GYN Services: More Availability after Medical Liability Reform

The following charts detail a series of identical questions asked of Illinois OB/GYNs in 2004 and again, in 2008.

*Chart One* reflects physicians' responses when asked if they had made any significant practice-related changes in the previous two years.

<b>CHART ONE</b>		
<b>In the last two years have you?</b>	<b>Answered “yes” in 2004</b>	<b>Answered “yes” in 2008</b>
<b>Limited or stopped performing VBACs *</b>	63%	37%
<b>Performed more Cesarean sections</b>	54%	34%
<b>Limited the number of high-risk patients you see</b>	50%	34%
<b>Decreased the scope of medical services offered</b>	47%	28%
<b>Performed fewer major gynecological surgeries</b>	39%	30%
<b>Added/expanded the scope of medical services</b>	21%	24%

\*Vaginal Birth after Cesarean (VBAC)

Responses from the practice change questions cited above indicate OB/GYNs are more willing to perform procedures associated with higher risk and offer expanded care options to patients in 2008 than they were in 2004.

*Chart Two* reflects responses from physicians who reported they made a practice change in the previous two years. These physicians were asked if the change was a result of concern over professional liability.

<b>CHART TWO</b>	<b>Answered “yes” in 2004</b>	<b>Answered “yes” in 2008</b>
<b>In the last two years have you made a change <u>as a result of professional liability concerns?</u> (asked only to the physicians who indicated “yes” a change had been made – see Chart One)</b>		
<b>Limited or stopped performing VBACs *</b>	58%	32%
<b>Performed more Cesarean sections</b>	48%	28%
<b>Limited the number of high-risk patients you see</b>	48%	29%
<b>Decreased the scope of medical services offered</b>	42%	25%
<b>Performed fewer major gynecological surgeries</b>	28%	20%
<b>Added/expanded the scope of medical services</b>	10%	6%

\*Vaginal Birth after Cesarean (VBAC)

The follow-up question posed to physicians making practice changes between 2004 and 2008 indicates professional liability decreased as a motivating factor.

*Survey Note:* Physicians were only asked about changes made during the previous two years of practice. Some physicians may have made these changes for the entire period or for certain instances only.

### **Other Statistics of Note**

- In 2008 slightly more than 64% of responding OB/GYNs were over the age of 46. In 2004, 57% of survey respondents were over age 46. According to statistics from the American Medical Association, the national average age for OB/GYNs engaged in patient care is 47 years old, which suggests the average age for Illinois OB/GYNs is above the national average.
- Physician age is associated with willingness to practice obstetrics as older physicians are less likely to provide obstetrical services. The survey found 69% of OB/GYNs between the ages 36-40 practice obstetrics, contrasted with only 37% of the OB/GYNs between the ages 56-64. This variation underscores the critical importance of attracting newly trained physicians to Illinois.
- Slightly more than 84% of OB/GYNs believe women’s access to care is being compromised by Illinois’ medical liability climate.

### **About the 2008 Survey**

A total of 2,091 practicing physician OB/GYNs were contacted to complete this survey, only physicians identified as being in active practice were contacted. Students, residents, retired physicians and non-OB/GYNs were not solicited. A total of 487 valid surveys were completed online or through the mail. The response rate was 23.3%. Margin of error is +/-5.1% at the 99 percent confidence level. The survey was conducted from April through June 2008.