

WHAT IS THE MEDICAL MALPRACTICE “CAP”?

In 1975 the cost of one gallon of regular unleaded gasoline in the United States was 45 cents a gallon. That year, the Louisiana Legislature, at the urging of the insurance industry and the big medicine lobby, passed the Louisiana Medical Malpractice Act. One of the most significant parts of this legislation was the institution of a \$500,000.00 “cap” or ceiling on the amount of general damages, including pain and suffering, past and future lost income, disability, and disfigurement damages an injured patient could collect as a result of a doctor or hospital’s medical malpractice, no matter how grossly negligent.

The insurance industry and big medicine claimed that medical malpractice damages had to be "capped" so that insurance premiums for doctors and health care costs could stop rising.

Since that \$500,000.00 “cap” was established over 40 years ago, the cap it has not been increased once!

You might ask “what became of those promises by big medicine and big insurance to lower medical costs and keep doctors insurance premiums down?” Well to put it simply, it just did not happen!

Instead insurance companies that wrote medical malpractice coverage made record profits and the premiums they charged to physicians actually rose at the same rate as before the placement of the “cap” and at a rate higher than the general inflation rate.

Today the average price of a gallon of regular unleaded gasoline is approximately \$2.00 a gallon. The medical malpractice cap set over 40 years ago is STILL at \$500,000.00.

Hard to believe but, true. Why has the cap not been raised to even keep pace with inflation? Simple really. The insurance lobby is simply too strong for the legislature.

If you are the victim of medical negligence, you need someone who is experienced in the intricacies of the Louisiana Medical Malpractice Act and dedicated to seeing to it that you are compensated as fully as the law allows. Mark W. Smith of Mark W. Smith & Associates has been handling medical malpractice cases for over three

decades. He knows the ins and outs of Louisiana's medical malpractice laws and has the knowledge and experience to get you the result you deserve.

If you or a loved one has been injured as a result of medical malpractice or medical negligence, call the experienced Louisiana medical malpractice attorneys at MARK W. SMITH & ASSOCIATES. Let us help.