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The Canadian Medical Protective Association CMPA

Toronto, Ontario, November 5, 1998

“TORT REFORM CONFERENCE”

Opening Remarks

W.D.S. Thomas, MD, FRCSC, CMPA President

Why is the CMPA holding this conference today and why is tort reform so important? In the very recent past the Canadian Medical Protective Association has been scrutinized for the size of its reserve and for the level of the fees charged to members for medical malpractice protection.

Each year the Association's independent actuaries calculate both the reserve and the fees in response to the cost of the cases, which include both awards and settlements. We believe the high cost of awards and settlements has a profound effect on the cost of malpractice protection for Canadian physicians, particularly those in the higher risk categories of Obstetrics, Orthopaedics and Neurosurgery. One way of reducing the malpractice fees for these groups and others is to reduce the cost of the cases.

In all provinces, a portion of the cost for protection of physicians is paid by the government in lieu of fee-for-service increases. This has been the practice since about 1986 in most provinces. For this reason, governments have been justifiably concerned regarding the escalating costs. To allay these concerns, the Association requested the Honourable Charles Dubin to review the operations, management and funding policies, including the actuarial assumptions and calculations of the CMPA. Although Mr. Justice Dubin was to review his report with you, we sincerely regret, as does Justice Dubin, that he is unable to be with us. We had looked forward to his comments regarding his review of the CMPA, and those of you who had an opportunity to read his report will know his review was thorough and far-reaching. The CMPA has been grateful for his good work.

All of this has led us to seek ways in which changes in cost might be effected while at the same time ensuring that patients who have suffered as a result of negligent medical treatment receive appropriate compensation. We believe tort reform may provide meaningful savings in the cost of medical malpractice cases.

The morning session will address the impact of the high cost of medical malpractice protection on both the profession and the public. In the afternoon, we will look at the systemic problems within the current judicial system and how some selected changes to that system might bring about cost savings.

Following this, there will be a panel of experts to talk about a few potentially useful reforms. Finally, to close out the afternoon, we will hear from the Canadian Medical Association and the provincial and territorial Ministers of Health on how medical professionals and the provincial governments might support an initiative for tort reform in Canada.

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