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**MALPRACTICE CRISIS PARTICIPANTS  
SHOULD STOP BLAMING EACH OTHER**

***Liability Insurance Veteran Offers  
Strategies to Solve 'Complex Problem'***

OAK PARK, Ill., -- As the malpractice crisis deepens in Illinois, a veteran liability insurance agent outlined a three-part strategy at a Illinois Senate hearing to develop long-term solutions he says will help ensure access to safe health care.

James H. Cunningham, Jr., President of Cunningham Group, an independent agent/broker of medical malpractice headquartered in Oak Park, Ill., and founded in 1947, told the Illinois Senate Subcommittee on Health and Human Services that the malpractice crisis "is hurting access to safe health care for patients."

"Instead of focusing on what health care in Illinois should look like, far too much energy is devoted to blaming the other guy," said Mr. Cunningham.

Mr. Cunningham, who offered his views at the Subcommittee's Feb. 14 hearing in Highland Park, Ill. from his unique perspective as owner of Cunningham Group and publisher of *Medical Liability Monitor*, the leading newsletter reporting on risk and medical malpractice, said he is part of a small group that works closely with physicians, attorneys and insurance companies.

Mr. Cunningham said he believes the continuing malpractice crisis is hurting patients' access to safe health care in Illinois. "This is a complex problem," he said, "but I think there are three key factors that will contribute to long-term solutions, not Band-Aid responses."

First, Mr. Cunningham urged the key players to find common ground. "Stop talking past each other and begin working together."

Second, he reminded lawmakers at the hearing that patient safety and access to health care is at the center of the issue. "All decisions should be based on what's best for patient safety and access," he said.

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And third, the benefit of loss prevention and risk management in all facets of the patient-physician relationship cannot be overlooked and is important to finding a long-term solution.

Mr. Cunningham said the malpractice crisis also is causing physicians to consider changes to their practices, closing them entirely, relocating or retiring earlier than planned.

While Illinois statistics aren't available, Mr. Cunningham said the Pennsylvania Medical Society has documented a dramatic drop in the number of physicians in that state since 2000. In the last four years, 870 physicians have relocated to other states; 163 retired earlier than planned; 213 were laid off, forced to close their practices, gave up practicing medicine or died and were not replaced in their practice; and 379 significantly altered their practices or curtailed high-risk services.

"The departure of 1,246 practicing physicians is affecting health care in Pennsylvania. The same will happen in Illinois without a solution," predicted Mr. Cunningham.

The crisis also is affecting insurance companies. The 2003 *Medical Liability Monitor* survey of 40 leading insurance companies found 32 financial downgrades and premium increases of as much as 80 percent and sometimes significantly more.

"Physicians are paying much more for substantially less insurance with companies that have lower financial ratings," said Mr. Cunningham. "Or, they're forced to make difficult business choices about continuing their profession that have nothing to do with the more noble ideals that motivated them to become physicians in the first place."

Mr. Cunningham warned that without long-term solutions, access to safe health care and patient safety will not improve, Illinois will lose experienced physicians and the state will revisit the malpractice problem repeatedly while passing along a "deeply flawed health care system."

"Illinois is at a crossroads," said Mr. Cunningham. "This malpractice crisis provides all of us an opportunity to fix a problem that is having a critical impact on the citizens of Illinois. Let's not squander this opportunity."

In addition to his testimony, Mr. Cunningham was asked to attend meetings with legislative leaders in Springfield as they work to develop a reform package to present to the General Assembly during the spring session. He also participated in roundtable discussions on the malpractice crisis organized by the *Herald News* (Joliet, Ill.).

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### ***About Cunningham Group***

Cunningham Group is an independent insurance agency and risk management organization headquartered in Oak Park, Ill., with offices in Michigan, Ohio, Texas and Florida. Cunningham Group specializes in the delivery of innovative business insurance and risk management solutions to physician practices. Founded in 1947, Cunningham Group offers products and services, both proprietary and in partnership with specialists, to assist the medical community in maintaining stability in the malpractice marketplace. Cunningham Group's success is reflected in its enviable 97 percent client retention rate.

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