

The Star-Ledger/**Eagleton-Rutgers Poll**

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NEW JERSEYANS STAND BEHIND DOCTORS ON MEDICAL MALPRACTICE ACTIONS

MAJORITY SUPPORTS LAWSUIT CAPS

Last week, many of the state's health care professionals temporarily shut their doors to protest the rising cost of medical malpractice insurance. New Jersey's citizens stand behind this action, and they tend to blame excessive litigation and mismanaged insurance companies rather than incompetent care by doctors for the current problem. A majority of residents give their support to capping jury awards at \$250,000 for "pain and suffering" in malpractice cases.

Additionally, the *Star-Ledger/Eagleton-Rutgers Poll* found that more than 6-in-10 New Jerseyans (63%) feel that the rising cost of malpractice insurance contributes a great deal to the overall cost of health care in New Jersey and 22 percent say it has some impact. These are some of the findings of the latest *Star-Ledger/Eagleton-Rutgers Poll*, which was conducted by telephone between February 5 and 9 with a scientific sample of 401 New Jersey adults. The associated margin of sampling error is ± 5 percentage points.

Eight-in-ten residents have heard about last week's events here in New Jersey, when many Garden State doctors canceled routine check-ups and elective surgery to protest government inaction on the issue. The poll found that New Jerseyans stand behind their doctors. While some patients may have been inconvenienced by the temporary strike, 68 percent of those familiar with the walkout say they approve of the doctors' actions.

The Star-Ledger/Eagleton-Rutgers Poll • Eagleton Institute of Politics

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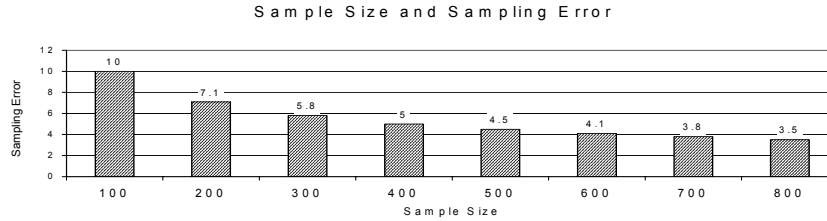
When asked about possible reasons for the current situation, most residents say that litigation is a major cause – 82 percent identify the number of lawsuits filed for minor problems and 73 percent say the high amounts awarded in malpractice cases are major reasons for the increase in malpractice insurance rates. More than 6-in-10 also cast blame on insurers – 63 percent say that the mismanagement of insurance companies is a major reason for the increase in malpractice rates. On the other hand, only 3-in-10 New Jerseyans (30%) believe that the number of incompetent doctors who continue practicing is a major reason for current circumstances.

Patrick Murray, associate director of the poll, commented, “While New Jerseyans clearly side with doctors that escalating litigation is to blame for the medical malpractice crisis, they are somewhat less convinced of current proposals to remedy the problem.” Fewer than 6-in-10 residents (57%) favor President Bush’s proposal to cap “pain and suffering” awards in malpractice cases at \$250,000. Another 34 percent oppose this and 9 percent are unsure.

Opinion on awarding damages in “no fault” malpractice cases is even more divided. Fewer than half of New Jersey adults (45%) feel that a person who is injured during a medical procedure should be compensated even if it is not the doctor’s fault. A similar number (43%) disagree with this and 13 percent are unsure.

BACKGROUND MEMO – RELEASE (EP142-4) February 12, 2003

The latest *Star-Ledger*/Eagleton-Rutgers Poll was conducted by telephone from February 5 to 9 with a scientifically selected random sample of 401 New Jersey adults. All surveys are subject to sampling error, which is the expected probable difference between interviewing everyone in a population versus a scientific sampling drawn from that population. The sampling error for 401 is ± 5 percent, at a 95 percent confidence interval. Thus if 50 percent of New Jersey residents were found to be less likely to agree with a statement, one would be 95 percent sure that the true figure would be between 45 and 55 percent (50 ± 5) had all New Jersey residents been interviewed, rather than just a sample. Sampling error increases as the sample size decreases, so statements based on various population subgroups, such as separate figures reported for residents of North, Central and South Jersey, are subject to more error than are statements based on the total sample. The following chart shows the relationship between sample size and sampling error.



Sampling error does not take into account other sources of variation inherent in public opinion studies, such as non-response, question wording or context effects. The verbatim wording of all questions asked is reproduced in this background memo. The sample has been stratified based on county and the data have been weighted on age and education to insure an accurate proportional representation of the state. The questions referred to in this release are as follows:

“There has been talk recently about the high cost of medical malpractice insurance that doctors in New Jersey have to pay. Have you read or heard anything about this?” [M1]

	<u>Yes</u>	<u>No</u>	<u>Total</u>	<u>(n)</u>
February 2003	90%	10%	100%	(401)

“How much do you think the cost of medical malpractice insurance contributes to the overall cost of health care in New Jersey – a great deal, some, only a little, or not at all?” [M2]

	<u>Great Deal</u>	<u>Some</u>	<u>A Little</u>	<u>Not at All</u>	<u>DK</u>	<u>Total</u>	<u>(n)</u>
February 2003	63%	22%	8%	3%	4%	100%	(401)

“I’m going to read you a number of possible reasons that have been given for the increase in malpractice insurance rates over the past few years. Please tell me whether you think each is a major reason, minor reason, or not a reason for the rise in malpractice insurance. First [READ ITEM], is this a major reason, minor reason, or not a reason for the rise in malpractice insurance rates?” [M3]

February 2003	<u>Major Reason</u>	<u>Minor Reason</u>	<u>Not a Reason</u>	<u>DK</u>	<u>Total</u>	<u>(n)</u>
There are too many lawsuits asking large amounts for minor problems	82%	13%	3%	1%	99%	(401)
There are too many doctors practicing who are not competent	30%	48%	20%	3%	101%	(401)
Insurance companies have been mismanaged	63%	24%	9%	4%	100%	(401)
Jury awards in malpractice cases are too high	73%	16%	6%	4%	99%	(401)

“A recent proposal would set a \$250,000 dollar limit on damages awarded in malpractice cases for ‘pain and suffering.’ The person who sues would still be able to recover the full amount of their medical costs. Some people say this will help lower health care costs for everybody by lowering doctors’ insurance costs. Others say this will unfairly limit a patient’s right to be compensated when a medical procedure goes wrong. Would you favor or oppose the proposal to set a \$250,000 dollar limit on pain and suffering damages in malpractice cases?” [M4]

February 2003	<u>Favor</u>	<u>Oppose</u>	<u>Depends</u>	<u>DK</u>	<u>Total</u>	<u>(n)</u>
	57%	34%	4%	5%	100%	(401)

“And do you agree or disagree that: A person who is injured when an operation or other medical procedure turns out wrong is entitled to be compensated, even if it is NOT the doctor’s fault?” [M5]

February 2003	<u>Agree</u>	<u>Disagree</u>	<u>Depends</u>	<u>DK</u>	<u>Total</u>	<u>(n)</u>
	45%	43%	4%	9%	101%	(401)

“Recently a number of doctors in New Jersey stopped seeing patients for a few days for routine check-ups or performing elective surgery. They hope this will get the state government to do something to lower the cost of medical malpractice insurance. Have you read or heard anything about this?” [M6]

February 2003	<u>Yes</u>	<u>No</u>	<u>Total</u>	<u>(n)</u>
	81%	19%	100%	(401)

[IF “YES” TO M6]: “Do you approve or disapprove of the actions taken by these doctors?” [M7]

February 2003	<u>Approve</u>	<u>Disapprove</u>	<u>DK</u>	<u>Total</u>	<u>(n)</u>
	68%	30%	2%	100%	(344)