

West Virginia Medical Malpractice Summary and Statistics

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Tort Reform Law: §55-7B-8. Non-economic damage cap of \$250,000, adjusted for inflation annually with an absolute maximum of \$375,000. In catastrophic cases, \$500,000 adjusted annually up to a max of \$750,000. Effective 2003

	2012-2016 Average	State Rank
Annual Per Capita ¹ Malpractice costs: All Providers ²	\$17.25	10
Annual Per Capita Malpractice costs: MD/DO only	\$15.16	11
Annual Claims per 1 Million Residents	69.25	5
Annual Claims per 100 Practicing Physicians	2.2	1

Table showing the average amount paid per capita¹ each year in West Virginia from 2012-2016 for medical malpractice claims against all practitioners as well as against physicians (MD and DO's) only. It also shows the number of paid claims per million residents and per 100 practicing physicians in West Virginia those years.

Brief summary: West Virginia, like Texas, passed a law in 2003 that caps non-economic damages in medical malpractice cases at \$250,000. The effect in West Virginia was hardly as dramatic as it was in Texas, though. Malpractice costs in West Virginia dropped a bit after 2003, only to go back up again. In fact, their annual per capita malpractice costs and number of paid claims have been among the highest in the U.S. in recent years.

Notes

- 1) Total amount paid in medical malpractice claims in the state each year/ the state's Population.
- 2) All practitioners includes physicians, podiatrists, dentists, nurses, hygienists, pharmacists, pharmacy techs, lab techs, physical therapists, etc...

Sources

<http://www.alllaw.com/articles/nolo/personal-injury/effect-tort-reform.html>

<http://www.nolo.com/legal-encyclopedia/state-state-medical-malpractice-damages-caps.html>

<http://www.ncsl.org/research/financial-services-and-commerce/medical-liability-medical-malpractice-laws.aspx>

http://truecostofhealthcare.net/malpractice_statistics/

<https://www.npdb.hrsa.gov/analysisistool/>

<http://www.atra.org/issues/noneconomic-damages-reform>

Graphic Summary of Medical Malpractice Incidence and Cost for West Virginia from 1991-2017

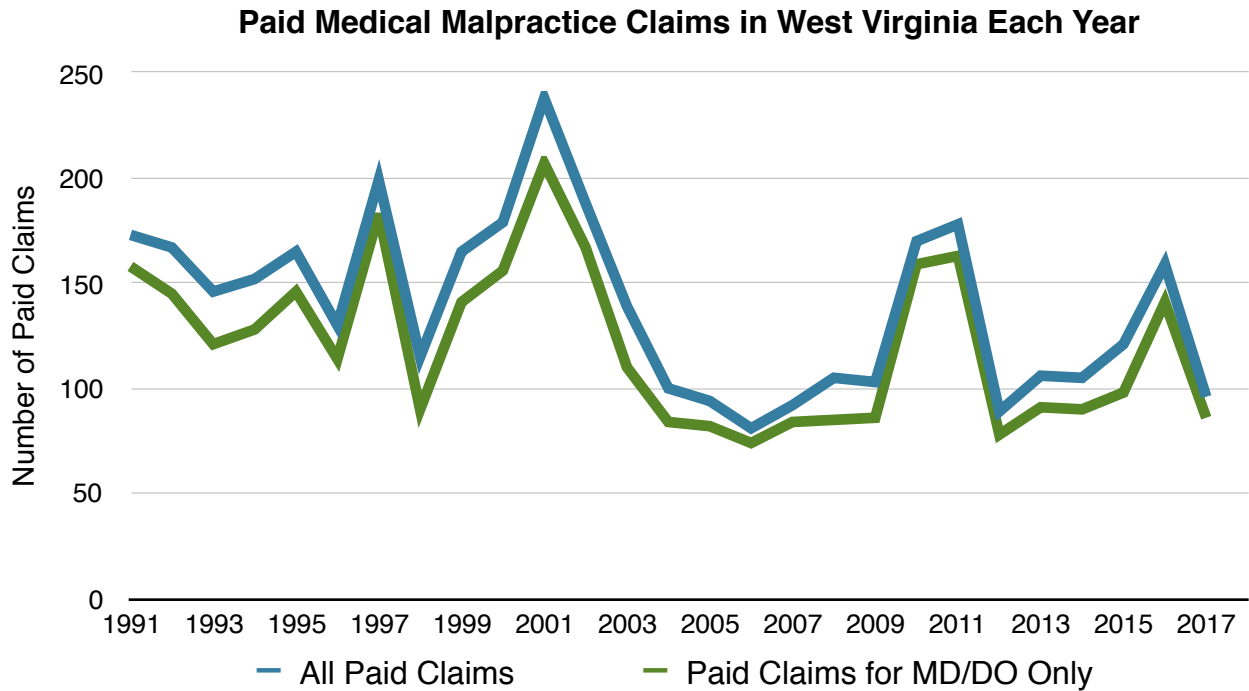


Figure 1: Total number of paid medical malpractice claims for West Virginia from 1991-2017 for all health care practitioners combined as well as for MD/DOs only.

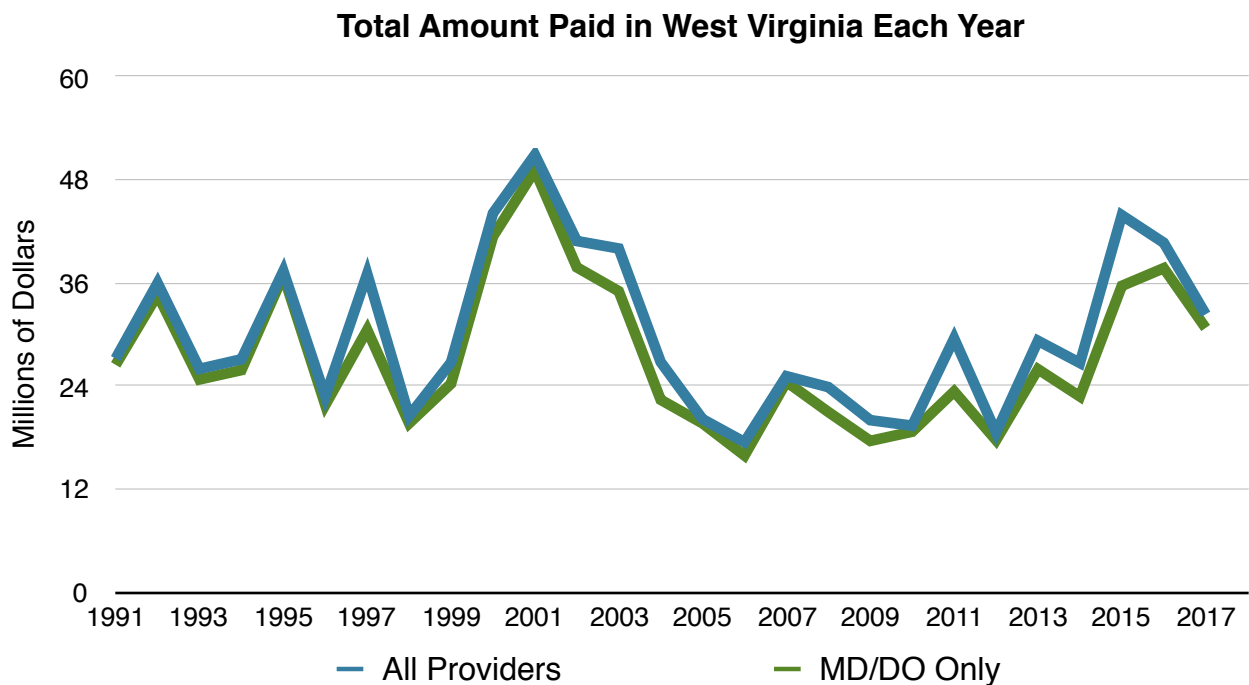


Figure 2: Total amount paid for all medical malpractice claims from 1991-2017 for all health care practitioners and MD/DOs only in West Virginia.

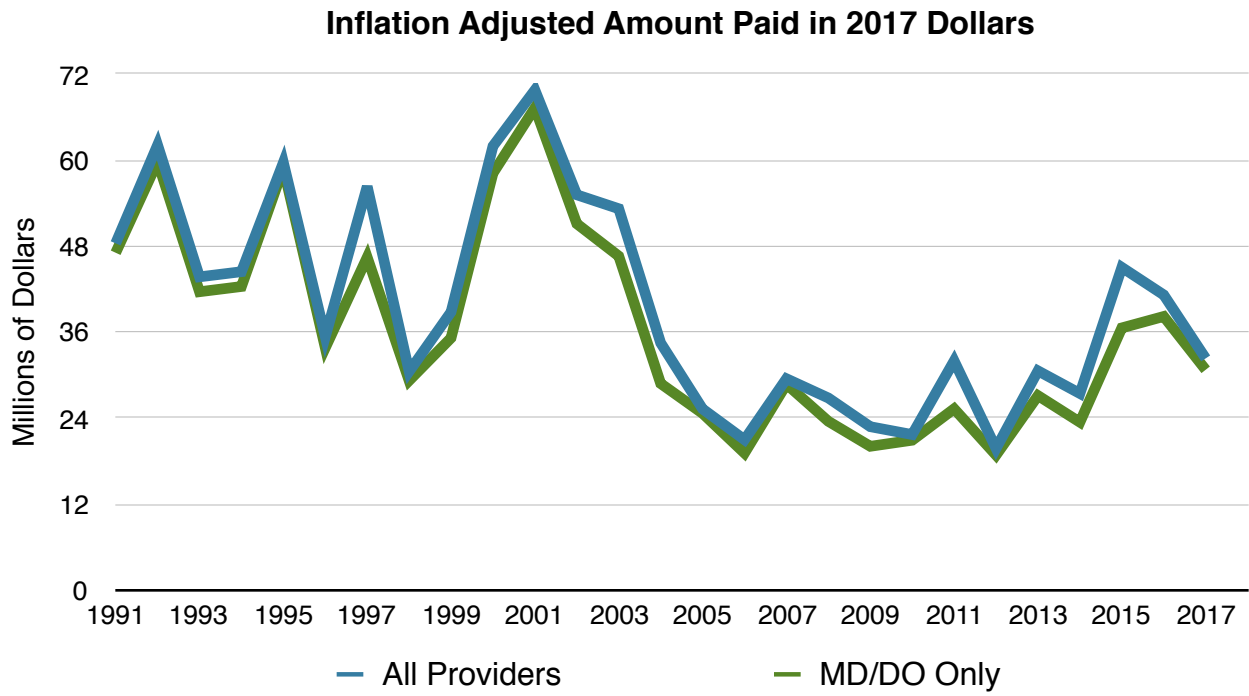


Figure 3: Figure 2 data when adjusted for inflation.