

November 7, 2004

Physicians, Heel Thyself

There are more than 40,000 doctors of Indian origin in the United States. They form around 7 per cent of physicians in the country. In addition, there are some 15,000 graduates of Indian origin in U.S medical schools. AAPI, the Association of Physicians of Indian origin, estimates that Indians will constitute ten per cent of doctors in the U.S within a decade. They are the biggest bloc outside American doctors, large enough to be featured on serials such as ER and General Hospital.

Most Indian doctors came here in the 1970s, 80s and even 90s, though it became increasingly difficult and forbidding. A majority of them did fabulously well. They became rich – and Republican.

Conventional wisdom is that Indian physicians – like most other immigrants – are of a Democratic persuasion when they first come to the U.S. As they move up the economic ladder they turn right because the Republicans are kinder and gentler on wealth.

There is another reason why many physicians are turning Republican. It has become hazardous to practice medicine in the U.S because of medical malpractice litigation. Medicine is still an inexact science, doctors are human, and there is always the possibility of error and misdiagnosis. But the legal and judicial system in the U.S is unsparing in punishing erring doctors. Or doctors accused of erring.

An Indian urologist in Alabama was charged with mishandling a delicate procedure. He was dumped by insurance companies and referred to a board for an inquiry. He was vindicated by experts, but by then he had spent \$ 250,000 in legal fees. His malpractice insurance doubled from \$ 20,000 to \$ 40,000. He's probably lucky because the patient did not pursue the case, and Alabama, like Kentucky, Missouri, Kansas and other mid-western states, has relatively low insurance rates.

But there are states like Maryland, New York and Pennsylvania where the slightest error means going bust, particularly in high-risk areas like obstetrics and gynecology. Malpractice insurance can run as high as \$ 120,000 a year and punitive damages are in the millions. So Indian physicians have moved in droves to friendlier states or simply quit practice. Some have moved from hospitals to hospitality and real estate.

Doctors from India who migrated to the U.S in the 1990s have seen – and been part of -- the out of whack system over the last decade. So they are less shook up by the events. But the oldies, now in their 50s and above, are in a state of shock. The days when they practiced without perfection or penalty are gone. These days they begin swearing at the sight of a lawyer.

It is because of this – and not just the tax breaks -- that they supported Bush and raised nearly \$ 2 million for the Republicans. Bush has promised federal tort reform to restrict malpractice awards to \$ 250,000. Frivolous lawsuits have become such a menace that even city governments are blanching. Some months back an Arizona woman sued and won \$ 450,000 for tripping over a gopher hole and spraining her ankle.

Of course it is another matter that Bush did little about all this during his first term. But in a further aggravation to physicians, the Democrats picked John Edwards as John Kerry's running mate. Edwards is a trial lawyer who has fought and won millions for victims of medical malpractice. Most of it may be deserved, but try telling that to the doctors.

Here is the upshot of all this. More and more doctors – those who have already made their pile – will start returning to India. Good for us?
