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The brain (surgeon) drain

By Susan Lundine – associate Managing Editor
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ORLANDO -- Four years ago, Lee, a 56-year-old east Orlando resident, began getting headaches, nosebleeds and noticeable vision loss in his left eye. His eye doctor found an abnormal growth on the right side of his brain and suggested that he see a neurosurgeon.

His wife began calling all the neurosurgeons and neurologists in their health plan, but none of them would accept new patients at that time.

"I was frustrated, naturally, and angry because I felt there was an urgency and no one was listening," says Carolyn, Lee's wife. "I was scared something more serious would happen and there would be no one to help." (Lee and Carolyn asked, for privacy reasons, that their real names not be used for publication.)

It took an exhaustive five-month search before Carolyn finally found a Central Florida neurosurgeon who would see her husband. Unfortunately, the situation has gotten worse since then for local patients who need some type of brain surgery.

In the last year, five neurosurgeons have left the Orlando area, leaving but 31 available in a six-county market. Worst yet, practitioners and industry experts say, no more are willing to move to the area because of the state's medical malpractice situation.

The med-mal insurance rates that Florida doctors in high-risk specialties such as neurosurgery must pay have skyrocketed in recent years, because, insurers say, jury awards for pain and suffering are extremely high. Besides jury verdicts, doctors also are paying a steep price to settle cases. For instance, state records show that in the last 10 years, the average malpractice settlement in Central Florida was \$333,750 for neurosurgeons.

Another reason no neurosurgeons want to move to Florida is the constitutional amendment passed last year that revokes the license of any doctor found guilty of three or more acts of medical malpractice.

"Senior doctors -- with two cases against them -- now will be forced to settle cases so they won't get a third strike," says Dr. Nizam Razack, a 39-year-old Orlando-area neurosurgeon who is on the board of directors of the Florida Neurosurgical Society. That's why, he says, many Florida neurosurgeons have applied for medical licenses in other states. "After the first lawsuit," he says, "they'll be gone."

Dwindling numbers

As a result, today there are only 16 active neurosurgeons in Orange County, two in Osceola County, two in Lake County and none in Seminole County, according to the Florida Department of Health. In addition, there are just seven neurosurgeons in Volusia County and four in Brevard County.

"We're like dinosaurs," says Razack. "Our field is being decimated. Many neurosurgeons in their 50s are retiring. The most experienced neurosurgeons are not operating any more -- they are opening coffee shops.

"It's a staggering thing we're seeing," he adds. "In five years, people won't be able to access a neurosurgeon."

In fact, more than half of Florida counties don't have any neurosurgeons, meaning patients in those counties must travel to see a doctor to get care for brain tumors, Parkinson's disease, head trauma, severe low back pain and other neurosurgical diseases.

"The need for brain surgery is not common," says Razack. "But when you need it, you're at a very critical point. There aren't too many elective brain surgeries."

And at least one of the neurosurgeons in Orange County -- Dr. Robert Masson -- no longer does brain surgery. Instead, he sticks to spinal cord surgeries.

And that's a shame, says Dr. Jay Falk, chief academic medical officer at Orlando Regional Medical Center, because Masson "is a very talented guy." In fact, says Falk, Masson successfully did a complex brain surgery on a patient Falk referred to him a while back -- a patient on which no other neurosurgeon in town wanted to attempt to operate. Masson could not be reached for comment.

Restricting practices

Neurosurgeons who no longer do brain surgery are "becoming a trend, primarily due to rising medical malpractice rates," says Betsy van Die, spokeswoman for the American Association of Neurological Surgeons in Rolling Meadows, Ill.

"It's happening all over the state," says Pensacola neurosurgeon Dr. Troy Tippet, an association board member. "It's a silent plague."

That situation doesn't surprise Razack. "The majority of us, if called for an elective consult, will turn it down and refer them to the academic institutions," which have some immunity from medical malpractice suits, he says.

"Many neurosurgeons are not doing brain surgery anymore," Razack explains. "They won't say it overtly, but they turn down consults" because they don't want to get sued.

That's why, says Razack, most brain surgery patients are funneled into the health care system through emergency rooms or are being admitted to hospitals by their primary care physician. "Whether that's medically appropriate or not, that's the only way they'll get seen," he says.

And Razack says he now refuses to see new patients with brain aneurysms or brain shunts. "I had to restrict my practice -- I had no choice." That's a trend that's expected to continue.

According to the American Association of Neurological Surgeons, soaring medical premiums for neurosurgeons have resulted in:

Suits, coverage costs faulted

As a result, fewer brain surgeons are doing surgery or covering hospital emergency rooms. And trauma centers are shutting their doors and sending patients with serious head and spinal cord injuries to other locations. "Patients with brain hemorrhage are very hard to place," says Razack.

Suits, coverage costs faulted

Nationwide, Tippet estimates about 350 neurosurgeons a year are giving up their profession, while only about 100 such specialists are being trained annually.

"It doesn't take a brain surgeon to figure out that soon there won't be enough brain surgeons to take care of people," he says. "And the problem is amplified in Florida."

The caps passed by the Legislature in 2003 -- limiting pain and suffering damages in med-mal cases to \$500,000 -- have done little to ease the crisis, Tippet says.

"Every neurosurgeon in Florida is being sued either every year or every other year," he says. "That's why neurosurgeons no longer want to stay in Florida."

Tippet, in the meantime, remains hopeful that meaningful medical liability reform will emerge from Congress this year. "We absolutely need the relief," he says. "I think a \$250,000 cap on noneconomic damages absolutely would help."

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