

Cookies Notification



This site uses cookies. By continuing to browse the site you are agreeing to our use of cookies.

[Find out more.](#)

Accept



RESEARCH ARTICLE

[HEALTH AFFAIRS](#) > [VOL. 23, NO. 4](#): MEDICAL LIABILITY: BEYOND CAPS

The Forgotten Third: Liability Insurance And The Medical Malpractice Crisis

[William M. Sage](#)

PUBLISHED: JULY/AUGUST 2004 No Access <https://doi.org/10.1377/hlthaff.23.4.10>

 [View Article](#)

Abstract

Although the most visible manifestations of medical malpractice involve patient safety and the legal process, the availability and affordability of liability insurance largely determine the direction of medical malpractice policy. Scientific and industrial developments since the first modern malpractice crisis in the 1970s reveal major problems with the structure and regulation of liability insurance. Comprehensive reforms that approach medical malpractice insurance as a health policy problem are needed, and the Medicare program may have a major role to play.

TOPICS

[MEDICAL MALPRACTICE](#) | [LIABILITY](#) | [INSURANCE CLAIMS](#) | [HEALTH CARE PROVIDERS](#) | [PREMIUMS](#) | [PHYSICIANS](#) | [SYSTEMS OF CARE](#) | [PHYSICIAN PAYMENT](#) | [GOVERNMENT PROGRAMS AND POLICIES](#) | [MARKETS](#)

Health Affairs Comment Policy

Comment moderation is in use. Please do not submit your comment twice -- it will appear shortly.

Please read our Comment Policy before commenting.

Got it

0 Comments

1 Login ▾



LOG IN WITH

OR SIGN UP WITH DISQUS ?



Name



• Share

Best Newest Oldest

Be the first to comment.

Subscribe Privacy Do Not Sell My Data

DISQUS

HealthAffairs

1101 Connecticut Ave NW #500
Washington, DC 20036
T 202 408 6801
F 301 654 2845
customerservice@healthaffairs.org

TOPICS

- Access & Use
- Costs & Spending
- COVID-19
- Health Equity
- Health Reform
- Leading To Health
- More Topics

CONTENT

- Journal
- Forefront
- Scholar

Briefs
Events
Podcasts
Collected Works

INFORMATION FOR

Authors
Request For Abstracts
Reviewers
Subscribers
Advertisers
Media News Room
Funders
Event Attendees

SERVICES & RESOURCES

Submit Content
Subscribe
Renew
Manage My Account
Purchase Content
Permissions
Alerts
Newsletter Sign Up
Advertising Kit

HEALTH AFFAIRS

About
Impact Report
Terms & Conditions
Privacy Policy
Jobs At Health Affairs
Fellowships
Contact Us



Standard of
Excellence
Winner



[Terms and conditions](#) | [Privacy](#) | [Project HOPE](#)

Health Affairs is pleased to offer [Free Access for low-income countries](#). Health Affairs gratefully acknowledges the support of many [funders](#).

Health Affairs is an official journal of [AcademyHealth](#).

**project
HOPE**
Urgent relief.
Lasting impact.

Health Affairs and its health policy publications are editorially independent from its publisher, Project HOPE, a nonprofit global health and humanitarian organization. Project HOPE has published Health Affairs since 1981.

Copyright 1995 - 2025 by [Project HOPE: The People-to-People Health Foundation, Inc.](#), eISSN 2694-233X.