

**Medical Malpractice State Law Research Codebook**  
**Prepared by Trina Running and Megan Henley for Louise Roth**

<b>STATENAT:</b>	State of occurrence (NCHS/CDC coding)		
01	Alabama	27	Montana
02	Alaska	28	Nebraska
03	Arizona	29	Nevada
04	Arkansas	30	New Hampshire
05	California	31	New Jersey
06	Colorado	32	New Mexico
07	Connecticut	33	New York
08	Delaware	34	North Carolina
09	District of Columbia	35	North Dakota
10	Florida	36	Ohio
11	Georgia	37	Oklahoma
12	Hawaii	38	Oregon
13	Idaho	39	Pennsylvania
14	Illinois	40	Rhode Island
15	Indiana	41	South Carolina
16	Iowa	42	South Dakota
17	Kansas	43	Tennessee
18	Kentucky	44	Texas
19	Louisiana	45	Utah
20	Maine	46	Vermont
21	Maryland	47	Virginia
22	Massachusetts	48	Washington
23	Michigan	49	West Virginia
24	Minnesota	50	Wisconsin
25	Mississippi	51	Wyoming
26	Missouri		

**State:** Name for STATENAT (string variable)

**DATAYEAR:** Year

- Years 1994 to 2010

**Month:** Month

1 January to 12 December

**cpi:** Consumer price index

Based on data from:

[http://inflationdata.com/Inflation/Consumer\\_Price\\_Index/HistoricalCPI.aspx?reloaded=true](http://inflationdata.com/Inflation/Consumer_Price_Index/HistoricalCPI.aspx?reloaded=true)

- Used cpi to adjust **necap** for inflation using formula:
  - Base **necap** \* (current year(**cpi**)/ base year (**cpi**))
- Adjusted **necap** for inflation for Michigan, Idaho, Missouri, Texas, Utah, West Virginia, Wisconsin

## **Tort Laws by State – Variables from Currie and MacLeod data, updated to 2010**

Obtained from Janet Currie via [http://econ.columbia.edu/public\\_data](http://econ.columbia.edu/public_data) (Currie and MacLeod data covered years 1985-2005)

See RA\_Codebook\_QJE\_Medmal.docx for coding of:

**dcap** : State law capping the total amount of damages that can be awarded in a medical malpractice suit (missing = no cap)<sup>1</sup>  
**dcapex** (missing = no cap)  
**necap**: State law capping the amount of non-economic damages that can be awarded in a medical malpractice suit (missing = no cap)<sup>2</sup>  
**pdcapm** (missing = no cap)  
**pdcapd** (missing = no cap)  
**jsled**<sup>3</sup>  
**jslned**  
**csrp**<sup>4</sup>  
**csr**

## **Laws Governing Reproductive Rights and Access to Services**

**PBabor**: Partial-birth abortion ban

0 = No partial birth abortion ban

1 = Has partial birth abortion ban

- In 2000 a Supreme Court case struck down individual state laws that banned partial birth abortion.
- The 2003 federal Partial Birth Abortion ban holds in all 50 states. All states are coded 1 after 2003

Data source: Guttmacher Institute, information on enactment dates from [prochoiceamerica.org](http://prochoiceamerica.org)

**WaitAbor**: Mandatory waiting period for abortion

1 = state mandates waiting period of some length before a woman can have an abortion

0 = state does not mandate any waiting period before a woman can have an abortion

Data source: Guttmacher Institute, information on enactment dates from [prochoiceamerica.org](http://prochoiceamerica.org)

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<sup>1</sup> Data Sources for most recent years: <http://www.ama-assn.org/resources/doc/arc/capsdamages.pdf>, and <http://www.soph.uab.edu/isoph/LHC/DamagesCapsTable.pdf>

<sup>2</sup> Same data sources for most recent years as for dcap.

<sup>3</sup> Data source for most recent years: <http://www.atra.org/issues/joint-and-several-liability-rule-reform>, and [http://www.wilsonelser.com/writable/files/Legal\\_Analysis/50\\_state-survey-joint-and-several-liability\\_mm4.pdf](http://www.wilsonelser.com/writable/files/Legal_Analysis/50_state-survey-joint-and-several-liability_mm4.pdf)

<sup>4</sup> Data source for most recent years: <http://www.atra.org/issues/collateral-source-rule-reform>

**AbstOnly:** Abstinence-only education funding

1 = receives federal funding for abstinence only education  
0 = does not receive any federal funding for abstinence only education

- This variable measures whether states receive federal funding for abstinence-only education. There are multiple programs that offer federal funding to states for abstinence only education (Title V, CBAE, and AFLA are the main ones).
- All states received some sort of federal funding for abstinence only sex education from 1998 – 2006. In 2007, four states (Minnesota, Montana, Vermont and Wyoming) received none at all (started rejecting this funding). More states began to following their lead and reject this funding in 2008, 2009, and 2010.

Data sources: Sexuality Information and Education Council of the United States and correspondence with Maxwell Ciardullo and Morgan Marshall, Information Coordinators with SIECUS; <http://www.advocatesforyouth.org/publications/429>, <http://www.aauw.org/2008/03/12/list-of-states-rejecting-abstinence-only-funding-grows/> <http://hrc.nwlc.org/policy-indicators/rejection-abstinence-only-funds>

**Bccov:** Mandatory coverage of contraceptives by health plans<sup>5</sup>

1 = state mandates contraceptive coverage by health plans  
0 = state does not mandate contraceptive coverage by health plans

Data sources: <http://www.ncsl.org/issues-research/health/insurance-coverage-for-contraception-state-laws.aspx>. Guttmacher Institute Information Request, received correspondence from Elizabeth Nash with States and effective dates, to the day.

**MWlegal** variable coding (midwifery legal)

1 = Unregulated: Prohibited by Statute, Judicial Interpretation, or Stricture of Practice  
2 = Unregulated: Legal by Statute, but Licensure Unavailable  
3 = Unregulated: Not legally defined, but not prohibited  
4 = Unregulated: Legal by Judicial Interpretation or Statutory Inference  
5 = Regulated: Licensure, Certification, Registration, or Permit

Data source: Midwives Alliance of North America (MANA) and the North American Registry of Midwives (NARM) compiled data

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<sup>5</sup> Note: mandatory contraceptive coverage through the Affordable Care Act did not go into effect until August 1, 2012

**Parcon:** Parental consent laws

0 = None

1 = Parental notification required

2 = Parental consent required

Data source: Guttmacher Institute and the Coalition for Positive Sexuality, information on enactment dates from [prochoiceamerica.org](http://prochoiceamerica.org)

**Feticide:** Fetal homicide laws

0 = No fetal homicide or related law

1 = Has fetal homicide or related law

Data source: Lynn M. Paltrow, Executive Director of National Advocates for Pregnant Women, and <http://www.ncsl.org/issues-research/health/fetal-homicide-state-laws.aspx>