

Medical Liability Reform

Key Takeaway: *The Alliance supports meaningful medical liability reform that reduces growth in health care costs, stabilizes professional liability insurance premiums, preserves access to specialty care, and encourages physician engagement in meaningful quality improvement activities.*

Principles for Comprehensive Reform. Meaningful medical liability reform should **fully compensate patients for medical/economic damages**, while placing a \$250,000 limit on noneconomic damages and making a defendant liable only for damages equal to his/her share of responsibility; **maximize patient awards** and discourage frivolous lawsuits through sliding scale contingency fees; and **eliminate double recovery** by accounting for evidence of collateral source benefits paid. In addition to traditional tort reforms, the Alliance supports additional ways to improve the medical liability system.

Support Medical Liability Reform: Cosponsor H.R. 836/S. 884 and H.R. 865

H.R. 836/S. 884, the “Health Care Safety Net Enhancement Act of 2015” was introduced in the House of Representatives by Reps. Charlie Dent (R-PA), Joe Wilson (R-SC), Raul Ruiz (D-CA), and Andy Harris (R-MD); and in the Senate by Sen. Roy Blunt (R-MO). This legislation would **extend Federal Tort Claims Act liability protections to physicians providing emergency care** — including on-call specialists — pursuant to the Emergency Medical Treatment and Labor Act (EMTALA). The inherently risky life-saving care provided by on-call specialists exposes these providers to an increased likelihood of litigation because emergency and trauma patients are often sicker, have more serious complications, and usually have no pre-existing relationship with the treating physician.

H.R. 865, the “Good Samaritan Health Professionals Act of 2015” was introduced in the House of Representatives by Reps. Marsha Blackburn (R-TN) and David Scott (D-GA). The legislation **limits the liability of health care professionals who volunteer to provide services in response to a declared natural disaster**. Such protections would not be extended in cases of willful or criminal misconduct, gross negligence, or reckless misconduct.