



## **Support Proven Medical Liability Reforms**

The *Accessible Care by Curbing Excessive lawSuitS (ACCESS) Act* (H.R. 3656) strives to fix a medical professional liability (MPL) system that fails to adequately serve patients and healthcare professionals. Currently, claims take too long to resolve, too much money is spent on legal and administrative costs, and a majority of claims lack merit yet still consume vast resources. Congress can and should fix this broken MPL system by passing proven reforms that have been vetted by the states, and avoiding untested schemes.

### **Traditional Reforms with Demonstrated Success**

The *Accessible Care by Curbing Excessive lawSuitS (ACCESS) Act* (H.R. 3656 / S.#) includes the following reforms which have a long history of enhancing patient access to care and lowering healthcare costs in the states, and are appropriate for Congressional action:

- Reasonable limits on subjective, noneconomic damages, with full recovery of all economic losses.
- A sliding scale for legal contingency fees to ensure that any damage award or settlement goes primarily to the victim and not their attorney.
- Collateral source rule reform allowing evidence of outside payments to be admissible in court, thereby reducing the potential for healthcare expenses to have to be paid twice.
- A ban on subrogation from collateral sources to ensure victims keep more of their award.
- A statute of limitations of three years after the date of the injury or one year after the claimant discovers the injury, whichever comes first.
- Periodic payment of future damages for awards in accordance with the Uniform Periodic Payment of Judgments Act to ensure victims have the resources to address needs as they arise.

In addition, each of these provisions include substantial flexibility to allow states to adapt these reforms to their specific medical liability environment.

### **Alternative Reforms with Demonstrated Success**

The *Accessible Care by Curbing Excessive lawSuitS (ACCESS) Act* (H.R. 3656 / S.#) also encompasses additional reforms that have been tested in the states and have had a positive effect on the medical liability system:

- Legal protections for compassionate communications to allow healthcare providers to express sympathy following an adverse outcome without fear that such expressions will be used against them in court.

- Cooling-off periods before a claim may be filed to allow for issues to be resolved without resorting to litigation.
- Certificates of merit to verify that a claim is meritorious before it is filed.
- Expert witness standards to ensure that only true experts in the appropriate field of medicine are eligible to testify in a medical liability case.

Medical liability reforms should improve patients' access to care as cost-effectively as possible. The aforementioned proven reforms have a long track record of success and should be enacted by Congress to bring stability to the current system.

## **Support the “ACCESS Act” (H.R. 3656 / S.#) Today**

For more information, please contact our Government Relations Department at (301) 947-9000 or [governmentrelations@mplassociation.org](mailto:governmentrelations@mplassociation.org).

10/10/2019