

HB 4136: Eliminating Noneconomic Damages Limit is Not the Answer

Please **vote NO on HB 4136** to oppose the tripling of the reasonable and constitutional \$500,000 limit on noneconomic damages recoverable in civil injury lawsuits.



- HB 4136 goes too far at a time when costs and access issues continue to increase in our health care system.
- Objective and **predictable economic damages** are already fully recoverable, and that is a fair and reasonable approach for our medical liability system.
- Subjective and **unpredictable noneconomic damages** are limited under Oregon law to bring stability to our liability system and ensure that the cost of liability insurance, including policies for medical professionals, does not skyrocket.
- The Oregon Supreme Court upheld the constitutionality of the noneconomic damages limit in a wrongful death case. See *Hughes v. PeaceHealth*, 344 Or. 142 (2008) (holding that cap does not violate Oregon's right to a remedy or right to jury trial protections).
- Be careful of misleading comparisons to Oregon's Tort Claims Act, which uniquely combines economic and noneconomic damages limits only in lawsuits brought against state or local governments.
- HB 4136 will **jeopardize** our already strained health care system in rural Oregon by increasing costs to the **Rural Medical Liability Reimbursement Program**. This is the program that ensures Oregonians have access to the broadest possible range of specialty physicians and providers throughout the state and not just in urban areas.
- By tripling the limit on noneconomic damages in Oregon, professional liability insurance policies will become more expensive. Physicians and providers in high risk specialties, especially in rural areas, could be forced to limit their practices or close them altogether.

The following coalition members strongly urge you to vote **NO** on eliminating the reasonable and constitutional noneconomic damages cap for both wrongful death actions and other statutorily created causes of action.

For more information please contact:

Fawn Barrie, ORLRC, 503.580.5487
Courtnei Dresser, OMA, 503.380.9488

(Over)

