

SB 737: Eliminating the Noneconomic Damages Limit for Injuries and Doubling the Cap for Wrongful Death is NOT the Answer

Please vote **NO** on **SB 737** to oppose changes to the reasonable and constitutional \$500,000 limit on noneconomic damages recoverable in civil injury lawsuits.



- SB 737 go too far at a time when costs and access issues continue to increase and when stability in our health care system is so uncertain.
- Objective and *predictable economic damages*, such as past and future medical costs, lost wages and potential lifetime earnings, and any other conceivable loss are **unlimited** and fully recoverable, and that is a fair and reasonable approach to our medical liability system.
- Subjective and *unpredictable noneconomic (pain and suffering) damages* were limited by the Oregon Legislature to bring stability and predictability to our liability system, to improve access to medical care and to create an environment that makes Oregon attractive to practitioners and employers.
- Noneconomic damage caps ensure that patients receive fair compensation while preserving access to healthcare. A recent study by Milliman indicates that maintaining current law will reduce costs for doctors, nurses, and healthcare providers, helping them serve the most vulnerable populations.
- A majority of Western States cap noneconomic damages at or below \$500,000. California caps noneconomic damages at \$250,000 - a decision reaffirmed by voters in 2014.
- The Oregon Supreme Court recently ruled in *Horton vs. OHSU* that it is constitutional for the Legislature to limit noneconomic damages in all civil injury lawsuits.
- SB 737 will *jeopardize* our already strained healthcare system in rural Oregon by increasing costs to the *Rural Medical Liability Reimbursement Program*. This is a 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.
- Oregon's safety-net providers serve thousands of patients, the majority of whom are women and children. These providers are unable to shift higher insurance costs to their patients – which means less funds available for patient care.
- By doubling or eliminating the limit on noneconomic damages in Oregon, professional liability insurance policies will become more expensive. Physicians and providers in high risk specialties, especially those serving patients in rural and underserved areas, could be forced to limit their practices.
- Provisions in both bills apply the new law to actions that occur before, on or after the effective date. This means practitioners who purchased insurance based on the law in place at the time will have the rules changed with no notice and no ability to modify policies for actions that may have already occurred. Further, the legislation would impact cases already in the pipeline. Defendants make decisions about whether or not to go to trial based on the circumstances at the time. Changing the rules in the middle of the game is patently unfair.



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The following coalition members strongly urge you to vote No on SB 737:



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You're in good hands.



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