

From the Desk of Rep. Carl Wilson



Please vote **NO** on **HB 2014**

Oppose changes to the reasonable and constitutional \$500,000 limit on noneconomic damages

- 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.
- HB 2014 goes 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.
- 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 ruled in *Horton vs. OHSU* that it is constitutional for the Legislature to limit noneconomic damages in all civil injury lawsuits. They are currently considering a case that could impact the application of the \$500,000 cap on non-economic damages. It does not make sense for the Legislature to consider this issue until the court has weighed in.
- HB 2014 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

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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 eliminating the limit on noneconomic damages in Oregon, professional liability insurance policies will likely 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.
- This bill applies 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. HB 2014 also applies to judgments currently on appeal, changing the rules for these cases already being litigated. 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.
- The following coalition members strongly urge you to vote **NO on HB 2014**.

For more information, please contact:

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