



The Doctors Company **GOVERNMENT RELATIONS**

Summer/Fall 2021

Advocacy Update

2021 MID-YEAR REVIEW

The first half of 2021 brought a deluge of legislation. One factor contributing to the large volume of bills is this year's introductions included not only new legislation, but 2020 carry-over legislation that was derailed due to the pandemic-shortened legislative sessions. COVID-19 public policy remains at the forefront, including legislative efforts to adopt or repeal healthcare provider liability provisions, regulate vaccine delivery, and expand non-physician provider's scope of practice in light of the declared emergency.

With a focus on medical liability reform and increasing access to health care, each year, The Doctors Company tracks thousands of bills, regulations, and appellate court cases. Our advocacy involves educating legislators, regulators, and judges on the benefits of good public policy and the challenges that come from ill-advised public policy. We partner with medical and specialty societies, business and industry groups, and trade associations to advocate on behalf of our members and their patients.

TRACK LEGISLATION IN YOUR STATE

The Doctors Company maintains an interactive legislative tracking map on our website where you can track legislation in your state. You can view a selection of bills and regulations The Doctors Company is tracking by state simply by clicking on the jurisdiction of interest.

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Advocacy Spotlight: Disturbing Trends and the Importance of Advocacy



Although COVID-19 healthcare legislative proposals continue to make up a significant portion of lawmakers' legislative agendas, we see a disturbing trend of increasing legislative attacks on the practice of medicine and medical liability reforms. These include proposals such as increasing or eliminating caps on non-economic damages (subjective, non-monetary losses) and expanding the group of individuals who may claim damages from a wrongful death claim.

Personal injury lawyers profit the most from attacking established protections and the civil justice system, which is why they are often the driving force behind these efforts. TDC Group's advocacy provides important opposition that seeks to prevent or mitigate the harm caused by personal injury attorney proposals. However, despite all of our efforts, some bad ideas become law, ultimately harming patients' access to care.

Personal injury lawyers employ a variety of strategies to attain their goals. One example is New Mexico legislation that raises the \$600,000 cap on non-medical damages for individual providers to \$750,000, and outpatient health centers to \$4 million, increasing to \$6 million over the next several years. This bill, HB 75, makes numerous problematic changes to the State's medical malpractice act and the State's patient compensation fund as well. Please visit our [New Mexico Legislative Update](#) for more information on these changes.



Advocacy Spotlight: Disturbing Trends (cont.)

Another example of personal injury lawyer tactics was last minute passage of New York legislation that, if signed into law, would burden the claims process and delay settlements. Personal injury lawyers have desired for years to change the wrongful death statute by expanding the list of recoverable damages and pool of beneficiaries entitled to claim them. These changes would significantly burden healthcare providers' ability to provide affordable care and patients' ability to find it. TDC Group, along with our coalition partners, educated legislators on the negative impact that the wrongful death proposal would have on New Yorkers, and it was defeated.

One more example of troubling personal injury lawyer tactics occurred in Illinois. In the middle of the night, the legislature inflated civil judgments by tacking on nine percent interest to personal injury judgments. TDC Group and our Illinois partners activated an aggressive effort to secure a veto of the bill. While the veto effort was successful, it came only after a concession to impose a six percent per year interest rate on all damages in personal injury or wrongful death judgments.

In each of the above examples, if we and our coalition partners had not participated in the legislative process, nothing would have stopped the personal injury lawyers' allies in the legislature from undermining healthcare professionals' ability to care for their patients.

We can see the nationwide effort to do away with hard won medical liability reforms. This trend, combined with the increasing frequency of runaway verdicts and the increasing costs to defend claims, is a recipe for a new medical liability crisis.

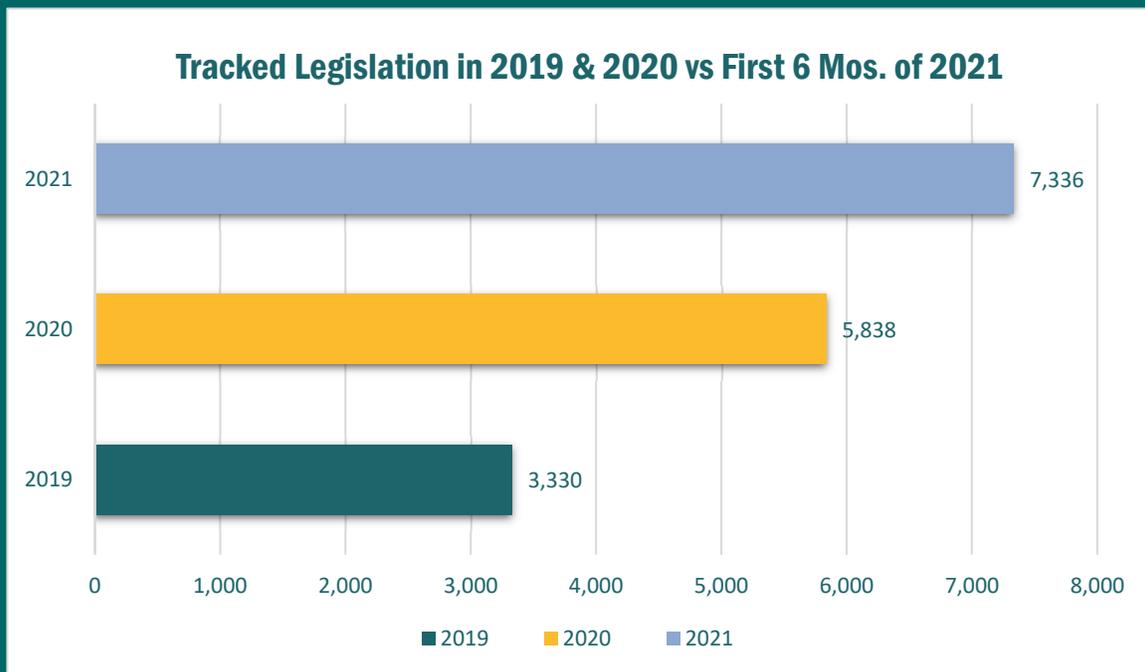
Educating lawmakers about the benefits of medical liability reform to support the health care of their constituents is essential.

Visit www.thedoctors.com/advocacy to get up-to-date legislative bill tracking information, government relations update articles, and past issues of the Government Relations Advocacy Update.



Advocacy Spotlight: 2021 Legislative Activity

TDC Group actively advocates on significant medical liability legislation. The pandemic expanded the scope of work to include advocacy efforts on COVID-19 legislation, rules, and regulations that impact all aspects of health care, ranging from how and when treatment is provided to the administration of medications and vaccines under emergency authorization.



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Please note: Nothing in this report should be considered legal advice. TDC Group refers to The Doctors Company and its wholly owned subsidiaries, Healthcare Risk Advisors, TDC Specialty Underwriters, and TDC Medical Advantage. This update does not represent a full analysis or the full extent of our tracking or engagement.

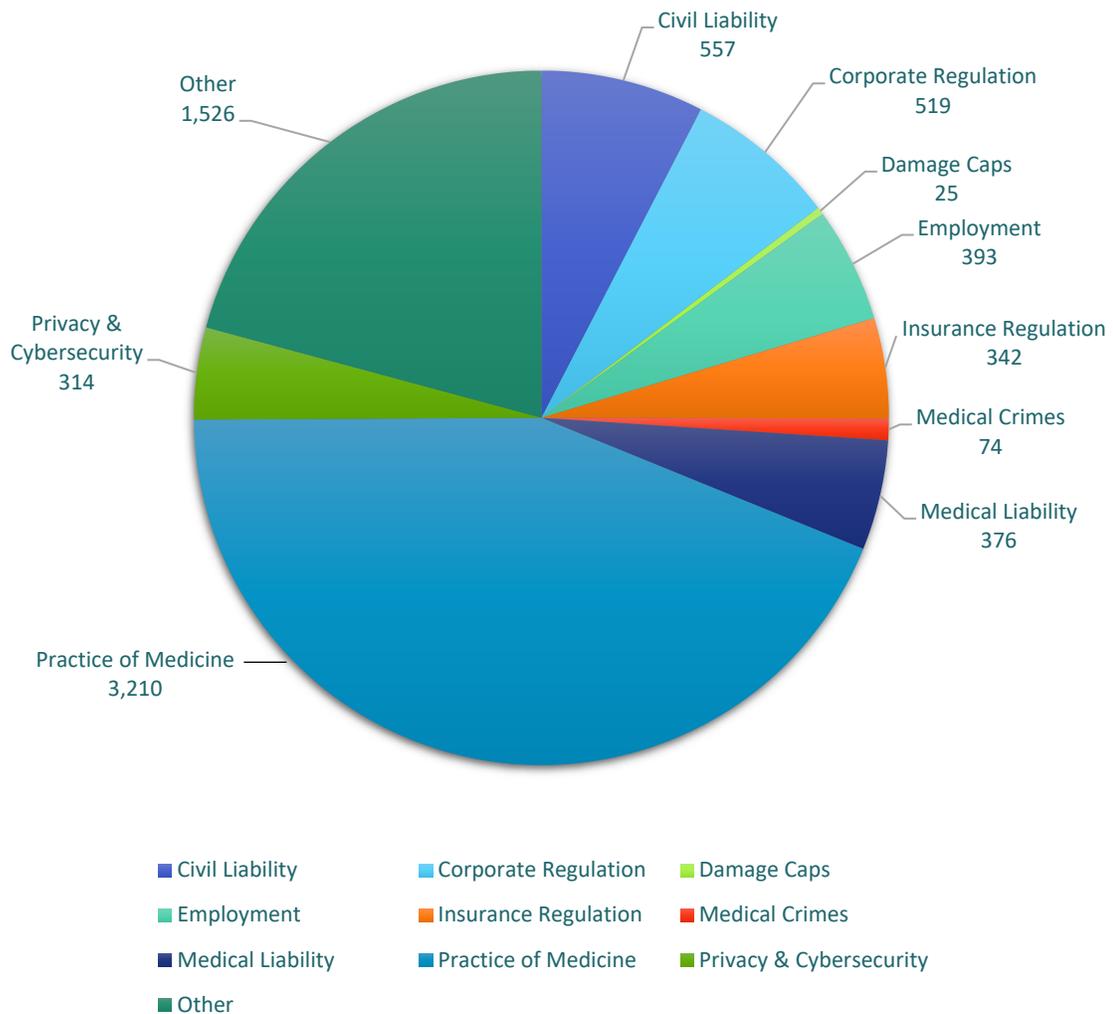


Advocacy Spotlight: **2021 Legislative Activity (cont.)**

MAJOR ISSUES CATEGORIES

The charts below provide a snapshot of how our tracked legislation falls into major categories and subcategory designations. The first three months of the year saw more than 124,000 pieces of legislation introduced across the country. By the close of the second quarter, that number rose to 149,128 bills. Of those, TDC Group tracked 7,336 proposals through 2021's first six months, including 370 high priority bills. High priority bills have the potential to significantly impact medical professional liability and the practice of medicine including COVID-19 healthcare policy.

Tracked Legislation by Major Issues (7,336 Total)



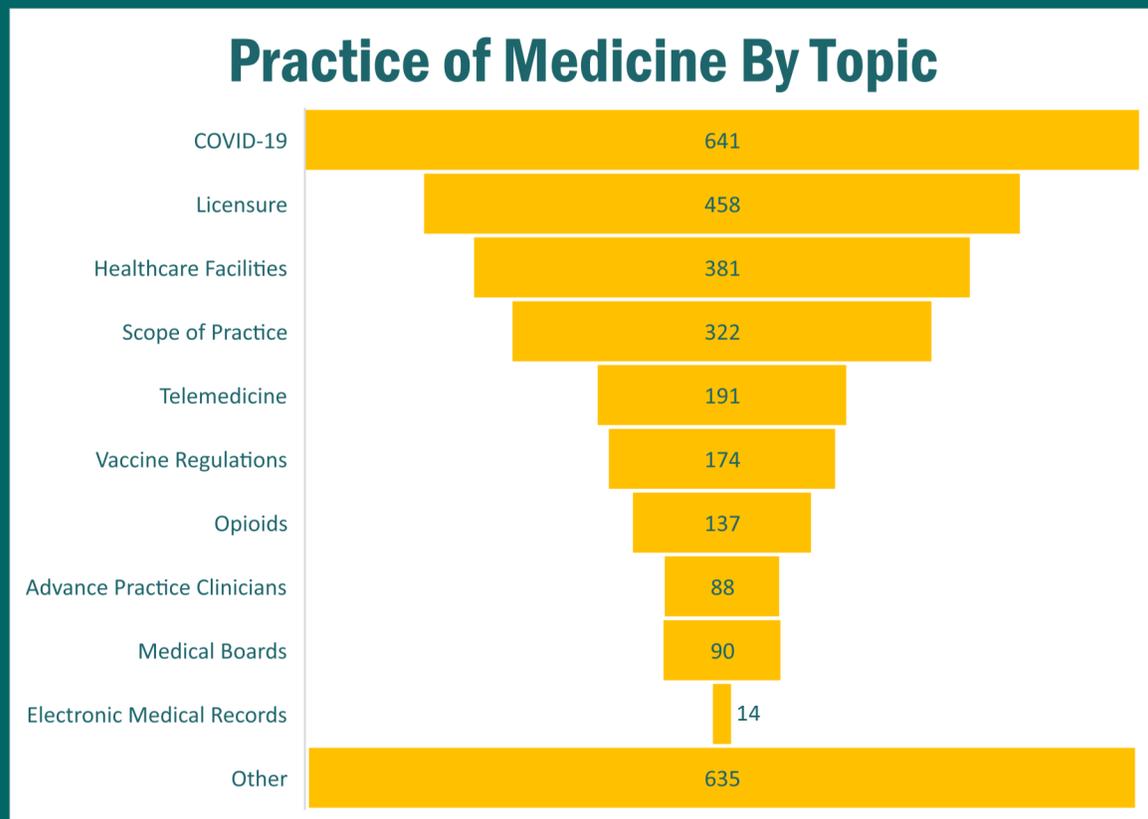
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Advocacy Spotlight: **2021 Legislative Activity (cont.)**

PRACTICE OF MEDICINE SUBCATEGORIES

Practice of medicine is the largest category of major issues TDC Group tracks. This chart provides a snapshot of the various subtopics that fall within this major category.



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Advocacy Hotspots: High Priority Legislation

Dozens of priority bills became very active this spring. TDC Group successfully advocated for and against many of these proposals. A sample of the significant bills tracked and advocated on during the first half of the year is summarized below, current as of July 31, 2021.



Consumer Privacy

Due to broad definitions of what constitutes consumer information, healthcare providers collect data that may fall under new laws protecting consumer privacy. The complexity of the laws along with the challenges presented by data breaches and violations of consumer privacy laws calls for careful attention for compliance and risk management.

Connecticut HB 5310 – Data Privacy Breach – This law expands the State’s data breach notification law in a manner that directly affects healthcare providers. The changes include: (1) expanding the definition of who must provide notice of a breach; (2) shortening the time for notification following a breach; (3) broadening the definition of “personal information” to include a patient’s medical history, health insurance information, and biometric data; and (4) requiring HIPAA and HITECH compliant data managers to notify the Attorney General of a breach and provide identity theft protection services.

Florida HB 969 / SB 690 – Consumer Privacy – These two pieces of legislation are Florida’s version of the California Consumer Privacy Act and include biometric data privacy issues and a private right of action for violations. While we were successful in defeating these bills this session, we expect similar legislation to be reintroduced in 2022.

New York AB 3709 and SB 3003 – Consumer Privacy – New York considered two privacy proposals with the purpose to expressly protect sensitive categories of information, including health, biometric, and location data, and create strong enforcement mechanisms to hold covered entities accountable for the illegal use of consumer data. One proposal was part of the initial budget package, and a similar proposal was pending in the Senate. Neither proposal became law; however, the issue will re-emerge in 2022.



Advocacy Hotspots: High Priority Legislation



Court Proceedings

Laws affecting how and when a court claim may be brought against healthcare providers directly affects case outcomes. This year, policy makers are pursuing changes ranging from expanding statutes of limitation to allowing jury trials by Zoom (or other electronic means).

Colorado SB 61 – Extension of Statute of Limitations for Minors – This legislation would have eliminated the common law rule that parents must sue for injuries suffered by their children. In all personal injury cases involving children, including birth injury malpractice cases, the statute of limitations would have been extended so the minor could sue when reaching the age of majority. Working with coalition partners, TDC Group was successful in helping lawmakers understand the pitfalls of this legislation, and the bill failed.

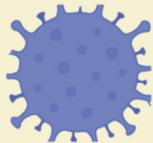
Colorado HB 1188 – Respondeat Superior Claims – This bill eliminates a State Supreme Court decision that prevents plaintiffs in negligence claims against an employee from also suing an employer for employment claims after the employer accepts responsibility for its employee's allegedly negligent acts. Our larger business coalition opposed this legislation, but it was a top priority of the plaintiff's trial bar and passed by the Legislature. This bill was signed by the Governor and is effective September 7, 2021.

Texas SB 690 – Remotely Conducting Court Proceedings – Legislation introduced at the request of the Chief Justice of the Texas Supreme Court sought to allow courts to conduct trials electronically (via Zoom, etc.) on the Court's own motion to do so, or on the motion of any party without the consent of the other parties to the action. TDC Group worked with a coalition of other interested parties to exclude jury trials from this legislation. When it became obvious that neither of these bills would be enacted, the language was amended into another omnibus bill by the Texas House. The Senate disagreed and the language regarding remote hearings via electronic means was removed in its entirety.

Wyoming SB 146 – Elimination of 12-Person Jury – This bill would have eliminated the option in civil cases for a party to elect to have a 12-person jury. The TDC Group coalition opposed this bill, and it died after not receiving a vote in the second chamber.



Advocacy Hotspots: High Priority Legislation



COVID-19 Emergency Liability Protections

COVID-19 laws, rules, and regulations impact all aspects of health care, including how and when treatment is provided, to the administration of medications and vaccines under emergency authorization. Below are the most recently enacted protections. For a full listing of pandemic protections, please review our COVID-19 Healthcare Provider Medical Liability Protections Map and Chart on [The Doctors Company's website](#).

Arizona SB 1377 – Healthcare Provider Liability Protections – This legislation provides limited liability protections to Arizona healthcare providers (healthcare professionals and institutions). Providers who act in good faith are not liable in any civil action for damages for an injury or death alleged to be caused by an act or omission while providing services in response to a declared state of emergency unless it is proven by clear and convincing evidence that the provider's actions or failure to act were due to the provider's willful misconduct or gross negligence. It is effective retroactively to March 11, 2020.

Connecticut SB 538 and SB 826 – Long Term Care Facility Liability – These bills would have eliminated COVID-19 liability protections for nursing homes and created a cause of action for suing nursing homes for coronavirus-related injuries. TDC Group worked with its coalition partners to oppose these pieces of legislation that died after missing a procedural deadline.

Hawaii HB 540 – Good Faith “Crisis Standard of Care” – If passed, this bill will provide immunity from civil or criminal liability to healthcare providers who act in good faith under a “crisis standard of care” during a state of emergency. This bill will be carried over to next session.

Maine SB 469 – COVID-19 Liability Protection – This bill would have provided limited civil liability protection to healthcare professionals and facilities in the event of a declared emergency related to public health. This bill failed upon adjournment of the Legislature.



Advocacy Hotspots: High Priority Legislation

COVID-19 Emergency Liability Protections (cont.)

Maryland SB 311 / HB 25 (Healthcare Providers) and SB 210 / HB 508 (all persons complying with orders) – Health Emergency Liability Protection – If enacted, this legislation would have provided criminal and civil liability protections for acts or omissions that a provider could face when responding to a catastrophic health emergency. This legislation would have bolstered the underlying law, executive order, and attorney general opinion on the matter. The second bill is more global and would have provided liability protections to businesses and individuals who act in compliance with State-ordered directives. Working with our coalition partners, TDC Group advocated in favor of these bills; however, the Legislature adjourned without passing them into law.

Missouri SB 51 and SB 42 (combined) – COVID-19 Liability Protection – This legislation will provide civil liability protections for acts or omissions that healthcare providers and facilities, manufacturers, businesses, institutions, labor unions, and virtually all other organizations may face related to COVID-19 claims. Working with our coalition partners, TDC Group advocated to pass this bill into law. It is effective August 28, 2021.

Montana SB 65 / HB 435 – COVID-19 Liability Protections - These laws provide relatively comprehensive COVID-19 liability protections, including specific liability protections for healthcare providers and an affirmative defense. SB 65's protections became effective February 10, 2021, and will terminate on January 31, 2031. HB 435's coextensive protections became effective on May 14, 2021, and extended liability protections to December 31, 2031.

Nebraska LB 139 – COVID-19 Liability Protection – This legislation provides liability protection for any person or business causes of action based on a claim that the plaintiff was exposed to COVID-19, as long as the person or business was in substantial compliance with “any federal public health guidance.” It was signed into law on May 26, 2021.

New York SB 5177 / AB 3397 – COVID-19 Liability Protection Repeal – This legislation repealed the COVID-19 related liability protections covering healthcare providers and facilities in New York. TDC Group and our coalition partners advocated against the repeal and worked to ensure protections were not retroactively repealed. The repeal is not retroactive, and the law applies prospectively beginning on its April 6, 2021 date of signature.



Advocacy Hotspots: High Priority Legislation

COVID-19 Emergency Liability Protections (cont.)

North Dakota – HB 1125 – COVID-19 Healthcare Liability Protection – This legislation creates expansive protection from medical malpractice claims arising from the coronavirus and is retroactive to January 1, 2020.

Pennsylvania HB 605 – COVID-19 Liability Protection – This legislation would have provided temporary liability protection for healthcare providers and manufacturers of personal protective equipment from causes of action or omissions related to COVID-19. The proposal passed the House and died in the Senate.

South Carolina SB 147 – COVID-19 Liability Protection – This legislation enacts a “safe harbor” provision for healthcare providers as well as businesses in general for claims relating to the COVID-19 pandemic and became effective April 28, 2021.

South Dakota HB 1046 – COVID-19 Liability Protections – This bill provides expansive COVID-19 liability protections for healthcare providers. These protections are retroactive, effective January 1, 2020, and terminate on December 31, 2022.

Texas SB 6 – COVID-19 Liability Protection – This legislation provides liability protection for healthcare providers regarding claims related to the COVID-19 pandemic and was enacted into law on June 14, 2021.

COVID-19 LIABILITY PROTECTIONS

A COVID-19 healthcare provider medical liability protections map and chart is available on [The Doctors Company's website](#).



Advocacy Hotspots: High Priority Legislation



Prejudgment Interest

Plaintiffs' attorneys attempt to capitalize on court delays by collecting interest, often from the time of alleged injury to the judgment at trial. Depending on the interest rate, an increase in prejudgment interest can dramatically increase the amount of jury awards against healthcare providers.

Illinois SB 72 (signed) and Illinois HB 3360 (vetoed) - Prejudgment Interest – This new law will set prejudgment interest at six percent accruing when the action is filed and will apply to all damages excluding punitive damages, sanctions, attorney fees, and statutory costs; interest will accrue for no more than five years. IL SB 72 is an alternative proposal to IL HB 3360, a highly controversial legislation that would have created prejudgment interest at nine percent accruing at the time of the incident that was vetoed by the Governor. TDC Group and numerous others, including the Illinois State Medical Society, successfully advocated for the veto of IL HB 3360, and expressed opposition to IL SB 72 despite it being characterized as a “compromise” to the more harmful IL HB 3360. TDC Group continues to work with our Illinois partners to determine whether this law can be challenged in the courts or repealed.

Maine HB 838 / L1160 – Prejudgment Interest – If enacted, this proposal would have increased the prejudgment interest from the one-year United States Treasury Bill rate plus three percent to 12 percent per annum from the date of the service of notice of claim or complaint, whichever is earlier. Working with our coalition to oppose the bill, a small concession was achieved—reduction of 12 percent per annum to 10 percent per annum. TDC Group's coalition requested a veto by the Governor. The Governor vetoed the bill, and the veto was sustained.

New York – Prejudgment Interest – Several proposals to amend New York's prejudgment interest laws were considered this spring. The first proposal, included in the proposed State budget, would have repealed the State's nine percent prejudgment interest rate and instead calculate the annual rate of interest on the one-year United States Treasury Bill rate. Working with our coalition partners, TDC Group advocated to



Advocacy Hotspots: High Priority Legislation

Prejudgment Interest (cont.)

pass this proposal although it was not included in the final budget package. Two other bills worked their way through the process. They both expand the situations where prejudgment interest may accrue. TDC Group and our coalition partners advocated against these proposals.

Of these, **New York SB 473 / AB 2199**, legislation imposing an interest rate when a plaintiff's initial motion for summary judgment is denied and then subsequently reversed, passed both bodies and is pending Governor Hochul's action. If signed, this legislation will impose nine percent prejudgment interest on claims at the date of entry of the initial denial of such a motion. TDC Group and our New York partners are seeking a veto of this bill. The other bill, **New York SB 3528 / AB 4849**, was defeated. It would have added "bodily injury" to the list of recoverable claims under the State's interest statute and authorize nine percent prejudgment interest to be computed from the date of injury or loss.

Washington SB 5155 – Prejudgment Interest – This bill would have created prejudgment interest on civil litigation for the first time in the State. TDC Group successfully engaged with our medical and tort reform coalition partners to educate legislators about the impact a significant increase to the amount of judgments would have on healthcare providers. As a result, a carve out for medical malpractice actions was included, and the entire bill was stalled in committee.

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Advocacy Hotspots: High Priority Legislation



Medical Malpractice Liability and Damages

Bills expanding causes of action or damage awards for medical malpractice significantly increase the cost and frequency of potential lawsuits against healthcare professionals. Every aspect of the litigation process is subject to legislative action.

California AB 849 – Skilled Nursing Facilities Fines – This bill seeks to reverse the holding of the California Supreme Court in *Jarman v. HCR Manor Care* as to the proper interpretation and application of Health & Safety Code 1430(b) which ruled that in actions brought by a current or former skilled nursing facility resident for regulatory violations, the claimant may recover, in addition to other available remedies, \$500 per action plus attorneys' fees. Instead, AB 849 would state that actions brought against skilled nursing facilities would be subject to \$500 civil liability per violation. This health and safety code is a strict liability law, which means that the mere fact that the regulation was violated is enough to prove liability. Despite strong coalition opposition and several offered amendments, this bill is likely to be enacted. Our coalition continues to seek mitigating amendments.

Colorado HB 1300 – Healthcare Liens – The bill permits the creation and assignment of a lien by a healthcare provider for treatment charges arising from a person injured by the negligence or wrongful act of another person and there is a personal injury or uninsured motorist claim. The medical lien can be for the "billed" amount and is charged against a judgment, settlement, or payment from a personal injury or uninsured motorist claim if there is a net positive payment. The patient/injured person is not liable for the medical lien. The legislation was passed as amended by both chambers and signed by the Governor.

Colorado SB 193 – VBAC Malpractice – This bill included an extension of the statute of limitations for all claims alleging a lack of patient consent and problematic procedure specific malpractice insurance requirements. We worked with a coalition to secure modifications that removed ambiguous language relating to medical malpractice coverage and eliminated the extension of the statute of limitations. The bill was passed by both chambers in amended form and signed by the Governor.



Advocacy Hotspots: High Priority Legislation

Medical Malpractice Liability and Damages (cont.)

Georgia SB 190 – Phantom Damages – This legislation would have limited special damages for medical and healthcare expenses in a medical liability claim to the amounts that could be proven to have been paid or incurred. Working with our coalition partners, TDC Group supports this bill. The bill did not pass in 2021; however, it will be carried over to the 2022 legislative session.

Kansas SB 290 / HB 2380 – Medical Malpractice Insurance Limits – If enacted, this legislation will increase required medical professional liability limits from \$200,000/\$600,000 to \$500,000/\$1.5 million, increase the surcharge providers pay into the Healthcare Stabilization Fund (PCF), and change the options providers may use when participating in the PCF. Final action is pending. The Legislature adjourned May 15, 2021, and will reconvene in January of 2022. These bills will carry over to the next session.

Montana SB 251 – Civil Liability Laws Relating to Damages – In personal injury and wrongful death cases, this law limits plaintiff's recoverable medical damages to the amount actually paid to healthcare providers to satisfy medical bills for treatment of plaintiff's injuries resulting from defendant's alleged negligence. This law became effective and applies to claims that accrue on or after April 30, 2021.

Nebraska LB 160 – Increase to Medical Malpractice Liability – This bill proposed massive increases to the State's medical liability cap from \$250,000 to \$10 million that would have been recoverable by plaintiffs from healthcare providers and the State's excess liability fund. TDC Group and its coalition partners successfully defeated this bill.

New Mexico HB 75 – Medical Malpractice Act Revision – This legislation, signed into law on April 1, 2021, is heavily weighted in favor of the interests of personal injury lawyers and was imposed upon physicians by legislators and the Governor. It is a comprehensive revision of the State's medical malpractice act that, among other things, leads to the eventual removal of hospitals from the State's Patient Compensation Fund while retaining the damage award limitations of the State's Medical Malpractice Act. The law increases the non-medical damage cap for individual providers from \$600,000 to \$750,000 with an annual cost of living adjustment (COLA) and establishes a separate and higher non-medical damage cap for hospitals and outpatient facilities of \$4,000,000 that will rise to \$6,000,000 by 2027 adding a COLA going forward. The bill expansively defines outpatient facilities which will expose more practice groups to the \$4 million cap. Additionally, the bill includes an unfavorable redefinition of occurrences.



Advocacy Hotspots: High Priority Legislation

Medical Malpractice Liability and Damages (cont.)

New York AB 3009 – Excess Malpractice Coverage / State Budget – The New York annual budget includes full funding for the Section 18 program (this program is used to obtain excess malpractice insurance coverage). The significant takeaway from this year’s budget efforts is that it does not include two troubling provisions. The original proposal cut one half of Section 18’s total appropriation and imposed an onerous 18 percent surcharge on the total tax liability of insurance companies. Keeping Section 18 funding intact and killing the surcharge proposal was the direct result of the work done by TDC Group and our New York partners.

New York SB 7052 / AB 8041 – Insurance Disclosure Mandates – New York passed legislation imposing a variety of insurance disclosure mandates, including the requirement defendants provide notice and proof of the existence and contents of any insurance agreement, including coverage amounts, under which any person or entity may be liable to satisfy part or all of a judgment within sixty days of serving an answer in an action. This proposal is pending the Governor’s action. We are seeking a veto.

New York SB 7093 / AB 8040 – Hearsay Evidence – New York passed legislation expanding its hearsay evidence rule by allowing the admissibility of an opposing party’s statement if made by that party’s agent or employee within the scope of employment or agency. This proposal is pending the Governor’s action. We are seeking a veto; however, we expect this bill to be signed into law as it is a recommendation from court administrators and advocated for by the trial lawyers.

Oregon SB 193 – Non-Economic Damage Cap – This legislation will remove the non-economic damage cap for all claims except for wrongful death claims. Proponents are promoting this as clean-up legislation to codify last year’s Oregon Supreme Court ruling that found the \$500,000 cap on non-economic damages in bodily injury cases insufficient to meet the remedy clause. Oregon’s jurisprudence on this issue is not clear cut despite the assertion of the trial lawyers and we have vigorously opposed removing the cap from statute. Despite a paper authored by a respected retired Supreme Court Justice issued to clarify the constitutionality of damage caps for legislators and grassroots opposition by healthcare providers and others against the bill, this legislation passed both bodies. It was signed by the Governor on July 14, 2021, and will become effective on January 1, 2022.

Texas HB 501 – Non-Economic Damage Cap Increase – This legislation would have increased the State’s limit on non-economic damages by tying increases (or theoretical decreases) to the Federal Consumer Price



Advocacy Hotspots: High Priority Legislation

Medical Malpractice Liability and Damages (cont.)

Index (CPI). Status update: the bill remained in committee as the regular legislative session closed and is dead for this session.

Virginia SB 1107 – Medical Malpractice Damages – If it had been enacted, this legislation would have eliminated Virginia’s limitations on recoverable damages in a medical negligence action. Working with a local coalition including the medical society, medical liability insurers, and other interested parties, we were able to prevent this bill from advancing.

Virginia SB 1446 – Health Provider Litigation Assistance – If it had been enacted, this legislation would have – from a practical application standpoint – required healthcare providers who treated a patient but were not part of the patient’s medical negligence claim, to assist the patient with the patient’s litigation efforts. Working with a local coalition including the medical society, medical liability insurers, and other interested parties, we were able to prevent this ill-conceived bill from advancing.

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Advocacy Hotspots: High Priority Legislation



Wrongful Death

Bills expanding eligible classes of plaintiffs or damages awarded for wrongful death can significantly increase the cost and frequency of lawsuits against healthcare professionals.

California SB 447 – Pain and Suffering Damages – If passed into law, this legislation will expand the category of damages available to a plaintiff's family when the plaintiff dies. This bill would allow a decedent's heirs or successor in interest to seek damages for the pain and suffering of the decedent. This would be in addition to collecting their own pain and suffering damages in a wrongful death action, thereby doubling the amount of damages the heirs can collect. This type of damages has never been allowed in California and was specifically excluded in California's wrongful death and survival action statutes. The bill has been fast tracked and has significant momentum despite our efforts to defeat it. In the face of likely defeat, our coalition of 20+ healthcare organizations has offered amendments to mitigate the impact of the legislation should lawmakers fail to understand the predictable detriment to access to health care if this legislation is enacted.

New York SB 74 / AB 6770 – Wrongful Death Beneficiaries and Damages – Legislation was defeated that would have changed the State's wrongful death law by expanding the pool of benefiting parties to include: close family members, domestic partners, siblings, grandparents, step-parents, step-children (currently limited to parents, spouses, children) and the list of eligible compensation to include: funeral expenses; medical care; grief and anguish; loss of love, society, protection, companionship, comfort, consortium; pecuniary injuries including loss of services, assistance, diminished inheritance; and, loss of nurture and guidance. We expect to see this bill re-emerge in 2022.

Rhode Island HB 5581 – Wrongful Death – This law provides that a spouse, parent, or child may recover damages resulting from emotional distress, grief, and loss of enjoyment of life in wrongful death cases. The law, previously, did not expressly allow these individuals to recover for



Advocacy Hotspots: High Priority Legislation

Wrongful Death (cont.)

these types of damages in wrongful death cases—only for “loss of consortium” or “parental society and companionship.” The effective date is July 12, 2021.

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TDC GROUP

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OUR STORY: FOUNDED AND LED BY DOCTORS

Over 40 years ago, as California was gripped by a medical malpractice insurance crisis, leading physicians came together to pass historic medical liability reform legislation on behalf of doctors and other healthcare providers. In the wake of this achievement, The Doctors Company emerged as an entirely new type of insurance carrier—a carrier founded and led by doctors.

Malpractice lawsuits and jury awards in California skyrocketed during the 1970s, causing commercial insurance companies to raise rates by more than 300 percent or leave the market altogether. Thousands of physicians faced nonrenewal from their insurance companies, while others refused to provide care until the state addressed the crisis.

In May 1975, Governor Jerry Brown (D) called a special session of the legislature. During that session, leading medical groups helped secure the passage of the Medical Injury Compensation Reform Act (MICRA), landmark bi-partisan legislation that has become the national model for effective and durable medical liability tort reform.

After its passage, several of MICRA's leading proponents came together to establish a company that would continue the tradition of advocating for and protecting physicians. The Doctors Company founders recognized that an organization owned and led by physicians could focus on meeting the needs of its members rather than on answering the demands of outside stockholders. In addition, the member-owned structure meant that The Doctors Company would be uniquely aligned with physicians' interests and in an ideal position to represent and advocate for physicians in political and legal settings. The mission was clear: The Doctors Company would work relentlessly to advance, protect, and reward the practice of good medicine.

During the company's inaugural year in 1976, 450 physicians subscribed as members. Today, we are the nation's largest physician-owned medical malpractice insurer. As we grow, we remain true to the principles that inspired our founders—ensuring that the doctor's voice is heard, from the exam room to the courtroom to the nation's capital.

As long as personal injury trial lawyers continue to find new and inventive ways to undermine medical liability reforms, The Doctors Company will work to protect you and to safeguard your patients' access to healthcare.

More Information

Please contact The Doctors Company's Government Relations team at advocacy@thedoctors.com for more information. Visit www.thedoctors.com/advocacy to get up-to-date legislative bill tracking information, government relations articles, action alerts and past issues of the Government Relations Advocacy Update.