



## Myth vs. Fact

### The Truth Behind the Fairness for Injured Patients Act

**Myth:** The Fairness for Injured Patients Act (FIPA) will simply raise the cap on non-economic damages awarded in medical malpractice cases to \$1.25 million.

**Fact:** This measure creates a NEW broad category of injuries with NO cap on damages OR attorney's fees.

*The initiative creates a new category of injuries which are indistinguishable from other injuries and not currently recognized under California law. This new "catastrophic injury" category does not include caps on non-economic damages set forth by the Medical Injury Compensation Reform Act (MICRA) and eliminates caps on attorneys' fees. This measure would essentially eliminate the attorneys' fee cap on both non-economic and economic damages.*

**Bottomline:** This measure would obliterate existing safeguards for out of control medical lawsuits, resulting in skyrocketing healthcare costs and huge windfalls for attorneys who would get paid ahead of the patients, with uncapped fees in this new category.

**Myth:** FIPA creates courtroom transparency that benefits patients

**Fact:** This measure will result in more, not less, frivolous lawsuits.

*Unlike other judicial transparency laws in California, this measure would expressly prohibit judges from independently verifying the truthfulness of statements made by trial attorneys in certain court filings known as "certificates of merit," and from disciplining them for dishonesty.*

*Current law also allows for patients to be paid for future damages over time as their treatment and recovery continues. This measure would instead require all damages to be paid in a large lump sum altogether at once. This increases the risk to patients that they will run out of money before their recovery is complete. But lump sum payments allow trial attorneys to collect more in fees.*

**Bottomline:** This measure means lawyers would get paid more, and faster. There would be LESS accountability and MORE meritless lawsuits and patient risk.

**Myth:** This measure would reduce healthcare costs

**Fact:** "This measure would likely have a wide variety of fiscal effects on state and local governments," the nonpartisan Legislative Analyst Office said, adding that, "Annual government costs likely ranging from the low tens of millions of dollars to the high hundreds of millions of dollars"

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California Medical Association  
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**Bottomline: This measure would drive up healthcare costs for EVERYONE, reduce access to care for those who need it most and force community clinics across the state to shut their doors.**

**Myth: FIPA will protect patients**

**Fact: There is nothing in this measure that would protect patients or increase patient safety. In fact, the measure would put patients at risk, as many would be unable to access healthcare.**

*In 2014, voters were clear when they said No to Prop 46 and changes to MICRA that would have quadrupled the cap on non-economic damages because of the harmful effects it would have had, including increased healthcare cost for ALL Californians. This measure goes well beyond what Prop 46 would have done. The cost to injured patients and taxpayers would be far greater, as noted by the independent Legislative Analyst's Office.*

**Bottomline: Doctors, nurses, community clinics, and dozens of healthcare organizations oppose the measure because it will HURT patients by raising costs and reducing access to care.**

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