



## Medical Liability Reform

**NASS supports meaningful medical liability reform that reduces growth in healthcare costs, preserves access to specialty care, and encourages physician engagement in meaningful quality improvement activities.** Physicians should be protected from unaffordable liability premiums to ensure that medical care will be available for all patients. In pursuit of the highest quality of care, liability reform should be included as part of any governmental efforts to further reform the healthcare system.

**ONGOING CONCERNS:** The current medical liability climate creates a financial burden on the health care system and promotes inefficiencies that fail to protect patient access to quality care. Defensive medicine, medical practices designed to avert the future possibility of malpractice suits, adds billions of dollars to the cost of health care each year, resulting in higher health insurance premiums for patients and skyrocketing increases in the amount of funding necessary to secure Medicare benefits for our nation's seniors.

**LEGISLATIVE RESPONSE:** NASS supports meaningful medical liability reform, including the following legislation pending in Congress:

1. **H.R. 836/S. 884, "Health Care Safety Net Enhancement Act of 2015"** introduced by Rep. Charlie Dent (R-PA), Rep. Joe Wilson (R-SC), Raul Ruiz (D-CA), and Andy Harris (R-MD) and by Senator Roy Blunt (R-MO). The legislation would address access to emergency care by extending Federal Tort Claims Act liability protections to on-call specialists and emergency room physicians.
2. **H.R. 865, "Good Samaritan Health Professionals Act of 2015"** introduced by Rep. Marsha Blackburn (R-TN) and Rep. David Scott (D-GA). The legislation limits the liability of health care professionals who volunteer to provide health care services in response to a declared natural disaster.
3. **H.R. 921/S. 689, "Sports Medicine Licensure Clarity Act of 2015"** introduced by Rep. Brett Guthrie (R-KY), Rep. Cedric Richmond (D-LA), and Rep. Steve Womack (R-AR) and by Senator John Thune (R-SD) and Sen. Amy Klobuchar (D-MN). The legislation clarifies that a physician or athletic trainer who is authorized to practice medicine in a state and who provides medical services to an athlete or athletic team in a state where such professional is not authorized to practice shall be deemed to have provided such medical services in the primary state, provided that prior to providing the covered medical services such professional has disclosed the nature and extent of such services to the entity that provides such professional with medical professional liability insurance in the primary state.
4. **H.R. 4771, "Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2016"** introduced by Rep. Trent Franks (R-AZ). The legislation would limit jury awards by setting conditions for lawsuits arising from health care liability claims, create new guidelines for awarding punitive damages, and set a \$250,000 cap on compensation for non-economic damages to a patient.