



Medical Liability Reform

REQUEST

The National Association of Spine Specialists (NASS) urges Congress to support the following legislation to address the medical liability system: the Saving Lives, Saving Costs Act (H.R. 1565); the Good Samaritan Health Professionals Act (H.R. 1876/S. 781); and the Health Care Safety Net Enhancement Act (H.R. 548/S. 527).

BACKGROUND

Our nation's medical liability system is broken — it costs too much, takes too long to resolve claims, and does not serve the needs of patients or physicians. NASS, therefore, supports meaningful medical liability reform that reduces growth in health care costs, stabilizes professional liability insurance premiums, preserves access to specialty care, and encourages physician engagement in meaningful quality improvement.

The House of Representatives has already taken an important first step with the passage of H.R. 1215, the Protecting Access to Care Act. This legislation includes a number of meaningful medical liability reforms such as fully compensating patients for medical/economic damages, while allowing up to \$250,000 in additional noneconomic damages. H.R. 1215 would also hold a defendant liable only for damages equal to his/her share of responsibility, and the bill maximizes patient awards and discourages frivolous lawsuits through sliding scale contingency fees. Additional legislation pending before Congress would augment these reforms.

- ***SAVING LIVES, SAVING COSTS ACT (H.R. 1565)***

Introduced by Reps. Andy Barr (R-KY) and Henry Cuellar (D-TX), H.R. 1565 would provide a legal safe harbor for physicians who can demonstrate they followed recommended clinical practice guidelines developed by national or State medical societies. The legislation would not preempt or supersede State or Federal laws.

- ***GOOD SAMARITAN HEALTH PROFESSIONALS ACT (H.R. 1876/S. 781)***

Introduced by Reps. Marsha Blackburn (R-TN) and Dutch Ruppersberger (D-MD) in the House, and Sens. Bill Cassidy (R-LA), Angus King (I-ME), and Joe Manchin (D-WV) in the Senate, H.R. 1876/S. 781 would extend federal liability protections to health professionals serving as volunteers who cross state lines to assist with the response to a national emergency or major disaster.

- ***HEALTH CARE SAFETY NET ENHANCEMENT ACT (H.R. 548/S. 527)***

Introduced by Reps. Charlie Dent (R-PA) and Jim Langevin (D-RI) in the House, and Sen. Blunt (R-MO) in the Senate, H.R. 548/S. 527 would extend federal liability protections to physicians providing emergency care, including on-call specialists, pursuant to the Emergency Medical Treatment and Labor Act (EMTALA). The inherently risky life-saving care provided by on-call specialists exposes these providers to an increased likelihood of litigation because emergency and trauma patients are often sicker, have more serious complications, and usually have no pre-existing relationship with the treating physician.

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