

June 8, 2022

The Honorable Bryan Cutler  
Speaker  
Pennsylvania House of Representatives  
Hon. Bryan Cutler  
139 Main Capitol Building  
Harrisburg, PA 17120

The Honorable Kerry Benninghoff  
Majority Leader  
Pennsylvania House of Representatives  
312 Main Capitol  
Harrisburg, PA 17120

The Honorable Joanna McClinton  
Minority Leader  
Pennsylvania House of Representatives  
302 Main Capitol  
Harrisburg, PA 17120

The Honorable Rob Kauffman  
Chairman, Judiciary Committee  
Pennsylvania House of Representatives  
110 Main Capitol  
Harrisburg, PA 17120

The Honorable Tim Briggs  
Minority Chairman, Judiciary Committee  
Pennsylvania House of Representatives  
423 Main Capitol  
Harrisburg, PA 17120

Dear Honorable Leaders of the Pennsylvania House of Representatives,

On behalf of the 235 member organizations of The Hospital and Healthsystem Association of Pennsylvania, I am writing to express our strong support of House Bill 2660, introduced by Chairman Kauffman, which sets in motion consideration of a constitutional amendment that would empower the General Assembly to establish venue in civil cases.

We urge you to ensure swift passage through the House and to communicate its importance to your Senate colleagues.

We understand that the Pennsylvania Supreme Court Civil Procedural Rules Committee has sent a strong and clear signal that it intends to recommend that the court return to the practice of allowing personal injury lawyers to move medical liability claims to counties that have a history of awarding higher payouts to plaintiffs.

We've been here before, with bad outcomes. From 1999–2000—just one year—median medical liability awards increased nearly 43 percent. From 1999–2001, Philadelphia had 87 medical liability cases of \$1 million or more, only slightly fewer than the entire state of California during those same years.

When venue shopping was allowed in Pennsylvania, physicians left the commonwealth, hospitals were forced to cut services, health care providers couldn't afford skyrocketing premiums, and insurers left the market. Certain specialties, such as obstetrics and gynecology, were hit particularly hard.

All branches of the Pennsylvania state government worked together to end venue shopping in 2002. Twenty years ago, Pennsylvania's governor, General Assembly, and Supreme Court commissioned a study that concluded venue shopping was the leading cause of a medical liability crisis. Together, they agreed



to end the practice. Through law and judicial rule, they required that claims be considered in the county where the alleged medical liability occurred.

There is no evidence—and, for 20 years, has been no public outcry—that counties in which liability actions are being litigated are not rendering fair results. And there have been many positive advancements for patients since venue shopping was eliminated in 2002, including but not limited to creating the Patient Safety Authority, passing an apology law, expanding disclosure requirements, and evolving health care quality improvements.

Pennsylvania can't afford policies that further strain its already tenuous health care workforce. From 1999–2020, the number of obstetric units in Pennsylvania hospitals fell 40 percent and current estimates suggest that, by 2025, Pennsylvania will need at least 1,000 more primary care physicians to care for its aging population.

Moreover, since 2000, the number of hospitals affiliated with health systems has increased by 146 percent. Reinstating venue shopping will encourage lawyers to pull even more cases into Philadelphia and Allegheny counties in search of higher payouts from deeper pockets.

Of course, our primary concern is Pennsylvanians' access to quality health care. Driving providers out of the market will jeopardize patient safety and good health. But hospitals are also primary economic drivers in the state, and driving providers out of the market will also have significant and negative effects on the commonwealth's economy.

With more than 250,000 employees, hospitals are among the top 10 employers in 60 of Pennsylvania's counties. In 19 counties, they are the largest employer. Hospitals contribute \$155 billion—about 20 percent of Pennsylvania's gross domestic product—to the state's economy; they attract more than \$2 billion in federal research funds; and they provided \$826 million in uncompensated care in 2020.

Please protect patients, medical professionals, hospitals, and Pennsylvania's economy by ensuring that the state does not return to the destructive practice of venue shopping. Please support and swiftly move House Bill 2660.

Thank you for all the ways you support your constituents' health and safety. We stand ready to assist you.

Sincerely,

Heather Tyler  
Vice President, State Legislative Advocacy

cc: Members and Executive Directors of the House Judiciary Committee