



The Hospital + Healthsystem
Association of Pennsylvania

Leading for Better Health

May 18, 2023

The Honorable Tim Briggs
Chairman, Judiciary Committee
Pennsylvania House of Representatives
302 Main Capitol Building
Harrisburg, PA 17120-2149

The Honorable Rob Kauffman
Minority Chairman, Judiciary Committee
Pennsylvania House of Representatives
313 Main Capitol Building
Harrisburg, PA 17120-2089

Dear Chairman Briggs and Chairman Kauffman:

On behalf of the 235 member organizations of The Hospital and Healthsystem Association of Pennsylvania, I am writing to express our strong support for House Bill 747, introduced by Representative Torren Ecker, which—consistent with Constitutional authority—establishes subject matter jurisdiction over medical liability causes of action. Specifically, HB 747 gives the court of common pleas of the county in which a medical liability cause of action arises the exclusive subject matter jurisdiction over that claim.

We urge you to expedite consideration by the Judiciary Committee and to communicate the importance of this bill to your caucus colleagues.

As you know, last year the Pennsylvania Supreme Court Civil Procedural Rules Committee recommended and the Court changed its rules such that, effective January 1 of this year, Pennsylvania has returned to the practice of allowing personal injury lawyers to move medical liability claims from the counties in which the alleged action occurred to counties that have histories of awarding higher payouts. This practice is often referred to as “venue shopping.”

All branches of the Pennsylvania state government worked together to end venue shopping during 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.

Prior to venue reform, 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. Certain specialties, such as obstetrics and gynecology, were hit particularly hard. From 1999 to 2000—just one year—median medical liability awards increased by nearly 43 percent. In just the first three months of this year, since the revised rule has allowed venue shopping to return, medical malpractice cases in Philadelphia have more than doubled last year’s pace.

There is no evidence—and, for 20 years, has been no public outcry—that counties in which liability actions were litigated did not render fair results. And there have been many positive advancements



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for patients since venue shopping was eliminated during 2002, including, but not limited to creating the Patient Safety Authority, passing an apology law, expanding disclosure requirements, and evolving health care quality improvements.

When venue shopping was allowed in Pennsylvania, physicians left the commonwealth, hospitals were forced to cut services, health care providers couldn't afford skyrocketing liability insurance premiums, and insurers left the market.

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.

Our primary concern is Pennsylvanians' access to quality health care. Driving providers out of the market will jeopardize the health of Pennsylvania patients. 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 accept this return to the practice of venue shopping. Please support and swiftly move HB 747.

Thank you for all the ways you support your constituents' health and safety. We stand ready to assist you. If you have any questions, comments, or concerns, please contact me at HTyler@HAPonline.org or (717) 433-1997.

Sincerely,

Heather Tyler
Vice President, State Legislative Advocacy

c: The Honorable Torren Ecker
Members and Executive Directors of the House Judiciary Committee