

2020 KEY LEGISLATIVE ISSUES

OPPOSE WEAKENING MARYLAND'S MEDICAL LIABILITY ENVIRONMENT

PROBLEM: In the summer of 2019, a Baltimore City jury awarded a medical malpractice plaintiff a \$229 million verdict, which Johns Hopkins Bayview Medical Center, the defendant, has appealed. This case and others have sent shockwaves through Maryland's hospitals, which have stated that as a result of these verdicts they are having difficulty accessing insurance in the market above their self-insurance levels. Physician premiums have remained steady, but the trial lawyers continue to advocate for measures that, despite record verdicts, seek to weaken Maryland's current medical malpractice laws. These include: 1) Raising the non-economic damage cap in medical malpractice cases, and 2) lowering the standards for awarding punitive damages.

BACKGROUND:

Non-economic damages are awarded to plaintiffs to compensate them for pain and suffering. They are in addition to actual damages. But non-economic damages are difficult to quantify, and history has shown them to be subject to the emotions of the jury. States like Maryland have stepped in to place caps on non-economic damages. Maryland's cap is one of the most liberal in the nation at \$815,000, and it increases by \$15,000 every year. As such, there is no need to increase the cap.

Punitive damages are awarded to punish malicious behavior, meaning acts that are intended to injure. The trial lawyers have attempted to lower this standard in a way that would include additional acts that do not rise to that level, allowing punitive damages to be awarded in more cases, including medical malpractice cases. Maryland does not need to change the standard for punitive damages and risk further unsettling the malpractice insurance market.

SOLUTION: Med Chi will oppose measures that: 1) raise the cap on non-economic damages in medical malpractice cases; and 2) lower the standard for awarding punitive damages.

WHAT TO DO: Call/write/e-mail members of the Senate Judicial Proceedings Committee and the House Judiciary Committee to ask them to oppose any bills which will aggravate the present medical malpractice environment. Contact MedChi for legislative contact information at 1-800-492-1056.