

MEDICAL LIABILITY REFORM

There is widespread agreement that our nation's medical liability system is broken and no longer serves the needs of the patients. The high cost of physician and hospital liability insurance premiums, as well as 'defensive medicine,' where patients may receive unnecessary and expensive medical treatments to reduce the risk of litigation, costs our health care system anywhere between \$160 to \$289 billion when applied to 2015 health care costs. Medical liability reform is needed to ensure that physicians and health care providers can provide vital medical services to all patients without the threat of meritless lawsuits, so all patients can continue to receive high quality, affordable care.

Why The ACCESS Act Matters:

Mirroring the successful reforms of California and Texas, the reforms found in the Accessible Care by Curbing Excessive Lawsuits (ACCESS) Act would not only have a positive impact on access to care, they would also close an ever widening budget gap and ensure all patients can afford the medical services they need.

Protecting Patients:

- Limits attorney fees so that damage awards goes to the patients in need;
- Allows for the full extent and recovering of economic damages, including past and future medical expenses, lost wages, rehabilitation costs, etc.; and
- Allows for the periodic payment of damages.

Ending Medical Lawsuit Abuse:

- Sets the statute of limitations at three years after the injury occurs or one year after it is discovered by the clamant, whichever comes first;
- Allows the recovery of additional non-economic damages – such as damages awarded for pain and suffering – up to \$250,000; and
- Allows physicians to express condolences and sympathy for adverse outcomes without apology being used against them in court as evidence of wrongdoing.

The Congressional Budget Office has reported that the reforms contained in the ACCESS Act would lead to cost savings of \$55 billion over the 2017-2026 period for federal health care programs such as Medicare and Medicaid, and that the bill would reduce our national deficit by almost \$62 billion over the same 10-year period.

What Congress Should Do:

The AAOS recommends supporting H.R. 1704, the *Accessible Care by Curbing Excessive Lawsuits Act of 2017*.