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PA Orthopaedic Society: Medical liability Venue Shopping Would Hike Costs, Threaten Care

Feb. 4 news conference proposes blocking legislation

The possible return of medical liability venue shopping, in a proposal now moving behind the scenes at the Pennsylvania Supreme Court, threatens to plunge Pennsylvania into a crisis that could drive up medical liability insurance premiums while forcing medical professionals to leave the state.

State lawmakers will join the Pennsylvania Orthopaedic Society at a Capitol news conference on Feb. 4 to discuss legislation meant to stop the change.

Since 2002, Pennsylvania courts have not allowed medical liability “venue shopping” – the ability by plaintiffs to file suit in favorable courts, regardless of where an incident occurred. The rule, supported by lawmakers and then-Gov. Schweiker, ended a crisis that had been gripping the health care community since the late 1990s. In the ensuing 17 years, Pennsylvania’s medical liability system has operated under this common-sense rule, said POS President Asif Ilyas, MD.

Under a new venue rule proposed on Dec. 22, 2018, the Supreme Court’s Civil Procedural Rules Committee recommended that plaintiffs have broadly expanded powers to file lawsuits far from the site of any alleged malpractice. While the current rule restricts proceedings to the county of occurrence, the change would allow filings in counties that fit such locational criteria as where defendants live, related procedures were conducted, or suppliers, health networks, and investors have offices.

“This change is unwise and misguided,” said Dr. Ilyas. “Twelve million Pennsylvanians rely on their medical professionals for care that delivers the best possible quality of life. As we know from past experience, venue shopping opens the floodgates to a deluge of unjustifiable lawsuits, filed in places with only specious connections to the cases. If Pennsylvanians wanted this rule change, they would have spoken up years ago. They don’t want to see higher health costs. They don’t want to stand by helplessly as their trusted physicians are forced to close their doors as happened in the early 2000s.”

The Supreme Court is taking public comment on the proposed changes to Pennsylvania Rule of Civil Procedure 1006 through Feb. 22.

POS is working with legislative leaders to craft a bill to block the change. The news conference will convene health care providers, business leaders, insurers, and lawmakers to spotlight the consequences of the proposed change and the role of legislation in preventing implementation, 9 a.m. Feb. 4 in the Capitol Rotunda, Harrisburg.

Advocating for excellence in the practice of orthopaedic medicine, POS is a professional medical specialty organization representing more than 1000 orthopaedic surgeons across Pennsylvania. For more information on the importance of bone, joint and muscle health at every age, visit www.paorthosociety.org.

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