



Comprehensive Common Sense Reform Not Stopgap Measures

FOUR long-term reforms are essential to solve the medical liability insurance crisis. Short-term solutions tried in other states *have not worked!*

I. Adopt California MICRA Model (Medical Injury Compensation Reform Act)

California reforms have stabilized that state's system and maintained open access to the courts for all patients. Medical liability insurance rates have risen 168 percent compared to the national average of 420 percent. Key elements include:

- Realistic determination of economic damages
- Cap on non-economic damages
- Periodic settlement payments
- Limits on attorney fees
- Elimination of joint liability
- Leave common law for contributory negligence in place

Thanks to MICRA, California now has a system that works for the benefit of patients – not trial lawyers.

II. Tighten Expert Witness Qualifications

Why should a doctor who is not an expert in the same specialty be allowed to be an expert witness in a malpractice case? Does it make sense for a plumber to comment on an electrician's work? Of course not! Expert witnesses in malpractice cases should be:

- Practicing the same specialty in the State of Maryland
- Board certified
- Specially licensed by the State
- Answerable to peer review
- Subject to sanctions

III. Strengthen "Good Samaritan" Protection

Don't punish doctors for providing care to critically ill, often uninsured patients in emergency/crisis situations. Encourage our retiring doctors *not* to give up practice completely, making volunteer care economically feasible. Reform should address:

- Pro bono immunity
- Benevolent immunity
- Immunity for ED/trauma care/in-hospital emergency responders
- Immunity for care provided without regard of ability to pay under federal EMTALA mandate

IV. Establish Health Care Court

This process evaluates the merits of malpractice claims, before they go into the legal system, and is already working well in Indiana. Medical and legal experts together judge whether substandard care has been rendered and many frivolous lawsuits are blocked from ever reaching a courtroom. *Causation before damages* is the guiding principle.

To find out what YOU can do to help solve the medical liability crisis, go to www.saveourdoctors.org.

SAVE OUR DOCTORS. . .PROTECT OUR PATIENTS