



**The Maryland State Dental Association Opposes SB 538 – Civil Actions –
Noneconomic Damages – Personal Injury and Wrongful Death**
Submitted by Daniel T. Doherty, Jr. on Behalf of the Maryland State Dental Association

The limitations on the amount of non-economic damages were enacted in 1985 in response to the serious threat that physicians, dentists and some other health care providers would cease practicing in Maryland due to the exposure to huge jury awards to noneconomic damages, and the withdrawal of many insurers from the medical malpractice market. Noneconomic damages include emotional pain and suffering, loss of society, and many other results of injury or death that cannot be quantified on a monetary basis, leaving valuation to the subjective determination of a jury. Initially the cap on these damages was set in statute as \$350,000 for personal injury after July 1, 1986, and \$500,000 for personal injury or wrongful death after October 1, 1994. Beginning on October 1, 1995 that cap amount increased by \$15,000 each year. The enactment of this legislation in 1985 stabilized the medical insurance crisis in Maryland.

Today, we are in an environment where insurance companies are consistently reducing reimbursement rates to a point that the profitability of many medical or dental practices are operating at paper thin margins. To repeal the cap on noneconomic damages likely will lead to a negative domino effect. Malpractice rates will increase significantly, narrowing even more the profitability of medical practices, driving many practitioners either into retirement or force them to move to another state with better tort protections.

For these reasons the Maryland State Dental Association requests that SB 538 receive an unfavorable report.

**Submitted by
Daniel T. Doherty, Jr.
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