



Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc
2101 East Jefferson Street
Rockville, Maryland 20852

February 19, 2025

The Honorable Luke Clippinger
House Committee on Judiciary
Room 100, House Office Building
6 Bladen Street
Annapolis, Maryland 21401

RE: HB 113 – Oppose

Dear Chair Smith and Members of the Committee:

Kaiser Permanente respectfully opposes HB 113, " Civil Actions - Noneconomic Damages - Personal Injury and Wrongful Death." The bill proposes to remove the existing caps on noneconomic damages in personal injury and wrongful death cases in Maryland.

Kaiser Permanente is the largest private integrated health care delivery system in the United States, delivering health care to over 12 million members in eight states and the District of Columbia.¹ Kaiser Permanente of the Mid-Atlantic States, which operates in Maryland, provides and coordinates complete health care services for over 825,000 members. In Maryland, we deliver care to approximately 475,000 members.

Kaiser Permanente opposes efforts to eliminate caps on non-economic damages awards. Caps ensure that injured patients receive fair compensation while preserving access to health care by keeping doctors, nurses, and health care providers in practice and hospitals and clinics open.

The high cost of physician liability insurance premiums influences where physicians practice and affects patients' access to care and treatment. Research has demonstrated that physician supply is higher and patients' access to care is enhanced in areas where physicians are under less pressure from the liability system. States without caps suffer from provider shortages, leading to the closing of hospitals, clinics, and trauma centers and leaving patients with no doctors in their immediate vicinity.²

A cap on non-economic damages reduces health care costs, thereby making health care more affordable. Caps lower loss costs by limiting the average size of liability awards and reducing the incentive for individuals and their lawyers to litigate weak or non-meritorious claims. An [AMA study](#) found that 68% of all liability claims are dropped, dismissed or withdrawn. Further, of those claims that do go to a trial verdict, physicians win 88% of the time.

¹ Kaiser Permanente comprises Kaiser Foundation Health Plan, Inc., the nation's largest not-for-profit health plan, and its health plan subsidiaries outside California and Hawaii; the not-for-profit Kaiser Foundation Hospitals, which operates 39 hospitals and over 650 other clinical facilities; and the Permanente Medical Groups, self-governed physician group practices that exclusively contract with Kaiser Foundation Health Plan and its health plan subsidiaries to meet the health needs of Kaiser Permanente's members.

² See, e.g., American Medical Association, [Medical Liability Reform Now! 2024](#).

By reducing the costs of medical liability insurance, a cap makes health care more affordable and increases the public's access to physicians and hospitals when they require care. For these reasons we urge an unfavorable report for HB 113.

Thank you for the opportunity to comment. Please feel free to contact me at Allison.W.Taylor@kp.org or (919) 818-3285 with questions.

Sincerely,

A handwritten signature in brown ink that reads "Allison Taylor". The signature is written in a cursive, flowing style.

Allison Taylor
Director of Government Relations
Kaiser Permanente