



Maryland
Hospital Association

**House Bill 476- Civil Actions - Noneconomic Damages - Personal Injury and Wrongful
Death**

Position: *Oppose*

March 4, 2026

House Judiciary Committee

MHA Position

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to comment in opposition of House Bill 476.

Maryland hospitals' top priority is the safety and well-being of every patient they serve. We are concerned that the changes proposed in this legislation could inadvertently undermine that goal by limiting access to care and placing additional strain on the resources hospitals rely on to serve their communities.

HB 476 would further intensify Maryland's already highly litigious environment, needlessly drive up health care costs, and make it more challenging to attract and retain the physicians needed to maintain access to high-quality care across the state.

A plaintiff in Maryland currently can seek economic and noneconomic damages for an injury. Compensation for economic damages, which are calculated to include lost wages or earning capacity and future medical care, is unlimited. These damages ensure the plaintiff will be cared for and that any income losses are adequately compensated not only to the plaintiff, but also to their family.

Noneconomic damages, on the other hand, are not established using traditional methods. These damages purport to consider the plaintiff's pain and suffering as a result of the injuries sustained.

Maryland currently has one of the highest caps in the country at \$965,000, and it automatically increases each year by \$15,000. For combined survival and death actions involving two or more beneficiaries, the damages can be as much as \$2,412,500.

In 1986, the General Assembly enacted reasonable limits on noneconomic damages in response to disproportionate jury awards. These limits on noneconomic damages help to ensure the stability of Maryland's liability insurance market and civil justice system, while allowing reasonable compensation for pain and suffering. Reasonable limits on jury awards for noneconomic damages help preserve "the availability of sufficient liability insurance, at reasonable cost, in order to cover claims for personal injuries to members of the public." Eliminating the caps on noneconomic damages would threaten the viability of Maryland's liability insurance market.

Finally, it is a misconception that this legislation does not affect hospitals simply because it does not target the medical malpractice statute. As places of public accommodation, hospitals can be sued for personal injury or wrongful death cases, like premises liability, just like any other organization. Bills like HB 476 drive up the overall insurance and litigation costs that could otherwise go to care. If this bill were to pass, it would potentially subject hospitals to unlimited damages, bypassing the balanced protections the General Assembly has maintained for health care providers for decades.

For these reasons, we request a unfavorable report on HB 476.

For more information, please contact:

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