



MedStar Health

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HB 476 – Civil Actions - Noneconomic Damages - Personal Injury and Wrongful Death

Position: ***Oppose***

House Judiciary Committee

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MedStar Health is the largest healthcare provider in the Maryland and Washington, D.C. region. MedStar Health offers a comprehensive spectrum of clinical services through over 500 care locations, including 10 hospitals, 33 urgent care clinics, ambulatory care centers, and an extensive array of primary and specialty care providers.

HB 476 would remove the cap on non-economic damages, injuries that are challenging to quantify and are commonly referred to as *pain and suffering*. These differ from economic damages, which can be quantified and documented with information such as medical bills or lost wages. There is no cap on *economic damages* in Maryland, which is unlimited and fully recoverable. 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.

A non-economic damage cap was first enacted in Maryland in 1986 and set at \$350,000. This cap has been adjusted over the years and increases automatically by \$15,000 per year. It is currently set at \$965,000 and automatically increases next year.

HB 476 would negatively impact Maryland's healthcare system. Maryland's litigation and insurance environment is already among the most troubling in the country, and this legislation would make it even more challenging. Many of the same insurers that offer general liability insurance also offer medical liability insurance. A number of these insurers have stopped writing coverage in the state, significantly reduced the coverage they are willing to provide, and raised their rates in response to losses. HB 476 would increase costs for all businesses, including healthcare, thereby raising healthcare costs. At a time when hospitals are experiencing staff shortages, this initiative will make it more difficult to attract and retain the nurses and doctors we need to continue providing Marylanders with the high quality of care they have come to expect.

These expenses divert resources from important needs such as new clinical programs, expanded services, and public health initiatives to reduce social determinants, as well as from investments in infrastructure for new technology, modern equipment, and training and support (including compensation) for nurses and other healthcare professionals. A better balance must be struck between the desire to fairly compensate plaintiffs and these extraordinarily important needs.

For the reasons above, MedStar Health urges an ***unfavorable*** report on **HB 476**.

It's how we treat people.