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Pennsylvania Medical Society Testimony

PA Supreme Court Venue Rule

Thank you, Chairman Causer and members of the Majority Policy Committee, for the opportunity to testify today.

The recent ruling from the Pennsylvania Supreme Court to rescind the medical liability venue rule will most assuredly have an adverse impact on the future practice of medicine in Pennsylvania.

We all know, the last two years have not been easy. The effects of the COVID-19 pandemic are still being felt in the healthcare field leading to staffing shortages and burnout and unfortunately an increased incidence of physician suicide.

According to research from the Surgeon General's Advisory on Health Worker Burnout, throughout the pandemic, healthcare workers reported high rates of stress, frustration, and exhaustion. The combination of



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distressing work environments and increased demands for care during the pandemic led to record numbers of healthcare workers quitting or reporting they intend to quit their positions.

Many physicians have been stretched to their breaking points.

Physicians and their colleagues were called heroes for their unwavering dedication to treating patients. The Supreme Court's action sends a deafening message to the individuals we once referred to as heroes. This change in the venue rule adds fuel to the fire of healthcare worker burnout.

Prior to the reforms implemented in the early 2000s, Pennsylvania was losing the competition for quality physicians in the country. With the adverse practice climate, we saw physicians retiring early or leaving the state, and highly trained residents choosing to leave Pennsylvania to practice in states that were more welcoming to them.



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As we experienced in the late 1990s and 2000s, Pennsylvania will again begin to see high risk specialties like orthopedists, neurosurgeons and trauma surgeons discontinue high-risk procedures, and OB/Gyns may stop delivering babies. This will likely lead some patients to say goodbye to their physicians while access to quality health care suffers.

While patients injured by medical negligence should be appropriately compensated, the vast majority of lawsuits do not hold up in court, suggesting a high number of frivolous claims. According to research from the American Medical Association, 34% of physicians had a medical liability lawsuit filed against them at some point in their careers, with 68% of those claims dropped, dismissed, or withdrawn by the plaintiff.

In fact, in 2020, the American Tort Reform Foundation listed Pennsylvania courts as one of the top “Judicial Hellholes” in the country



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due to the reputation of big city courts welcoming venue shopping and granting outrageous awards.

After twenty years of rebuilding Pennsylvania's physician workforce and creating a better liability market in Pennsylvania, the Supreme Court's reversal of this venue rule will once again invite the unnecessary return of "junk lawsuits" and personal injury lawyers lining their pockets with outrageous contingent fees...all this to the detriment of a steady and safe health care environment.

The Pennsylvania Medical Society staunchly condemns this enormous step backwards to the days of an unstable medical liability market and a reduction in access to care.

Thank you again for the opportunity to appear before you today. I would be happy to take any questions you may have.