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Medical Liability Reform Preserves Payments to Deserving Patients

Enacting comprehensive medical liability reform that allows unlimited payment of economic damages — including past and future medical expenses, past and future lost wages and earning potential, rehabilitation costs, household services, and out-of-pocket expenses — and an additional payment for non-economic damages, will ensure patients that who experience medical negligence will be fairly compensated for their injuries, while at the same time improving the overall medical liability system and preserving access to care.

Personal injury lawyers and their powerful political allies continue to make false claims saying reform would disproportionately affect women, children, and the elderly.

The truth is that a stay-at-home mother or father can continue to establish a basis for economic wages based on the services they provide to their families and children, including household management and driving responsibilities.

Children injured as a result of medical negligence are also assured full compensation for all economic damages including future earning potential.

In California, where *non-economic* damages are limited to \$250,000, a number of recent cases prove that economic damages are fully paid to deserving patients — even those without current wages.

- In 2007, a Glendale, CA jury returned with a \$96 million award, including \$78,000 award for past medical costs, \$82.8 million for future medical costs, \$13.3 million for the loss of future earnings for a child who suffered from brain damage and motor impairment.¹
- A jury awarded the family of a 15-year-old boy \$5.7 million in economic damages in 2015 when staff failed to give him his anti-seizure medication and left him with a caregiver who had no CPR training.²
- A 3-year-old girl who a federal judge in Sacramento ruled suffered a brain injury during her delivery because the doctor waited too long to deliver her via C-section was awarded \$9.6 million in economic damages in 2015.³
- A 17-year-old San Diego man who suffered permanent brain injury due to hospital negligence after being stabbed received a \$4.9 million award in 2013 that included the maximum \$250,000 in pain and suffering, loss of earning capacity totaling \$587,907, future lifetime care costs of over \$3.52 million, and future care costs at a rehabilitation center of nearly \$570,000.⁴

Comprehensive medical liability reform that places reasonable limits on non-economic damages provides unlimited recovery for all medical or rehabilitation expenses, lost wages, lost earning potential and domestic service needs.

¹ “Brain-Damaged Child Gets \$96 Million,” *Daily Journal*, 5 July 2007.

² “‘We Finally Got Justice’: Jury Awards \$5.7 Million in Teen’s Death at Mission Viejo,” *Orange County Register*, 25 June 2015.

³ “Judge Awards \$9.6M to Child in Medical Malpractice Case,” *Associated Press*, 2 November 2015.

⁴ “Kaiser Permanente Loses \$4.9 Million in Brain Injury Case,” *San Francisco Business Times*, 3 September 2013.