



State Legislative Update

December 2019

Medical liability reform efforts at the state level

A summary of recent developments that highlight the work being done to safeguard and move forward on legislation that increases access to care for patients and reduces medical lawsuit abuse

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Maryland (S.B. 0813) | Oregon (H.B. 2014)

Successful defeat of legislation in both states to eliminate or raise caps on non-economic damages.

Colorado (S.B. 19-210)

Colorado took proactive steps towards addressing medical liability issues by enacting an early communication and resolution process.

Washington (S.B. 5163)

Legislation expanded both the damages available in wrongful death claims and the individuals who are eligible to seek such damages.

Maine (H.P. 1118/L.D. 1535)

Maine enacted legislation increasing their cap on noneconomic damages for wrongful death actions. The bill increases the cap to \$750,000 and retains the cap for punitive damages. This was an improvement from the original bill that would have increased the cap to \$1,000,000 and eliminated the cap for punitive damages.

Nevada (S.B. 68)

Nevada enacted the Uniform Emergency Volunteer Health Practitioners Act, supporting the rapid deployment of volunteer health professionals during disasters and provide license reciprocity to responders.

Kentucky (H.B. 429)

Kentucky passed strong certificate of merit laws to reduce the number of meritless lawsuits.

West Virginia (S.B. 510)

West Virginia passed a certificate of merit law that also included expert witness guidelines. Specifically, West Virginia's law requires a qualified expert to review the case before filing and submit a certificate of merit (executed under oath) stating how the applicable standard of care has been breached and how the breach resulted in the injury or death. The certificate of merit must include a list of all medical records and other information reviewed by the expert to make his or her decision. A separate screening certificate of merit must be provided for each health care provider against whom a claim is asserted.