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Medical Liability Reform Preserves Payments to Deserving Patients

Enacting comprehensive medical liability reform that allows unlimited economic damages to compensate patients for financial losses. — 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 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 that 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 due to medical negligence are also assured full compensation for all economic damages, including future earning potential.

In California, where *non-economic* damage limits are in place*, several recent cases prove that economic damages are fully paid to deserving patients — even those without current wages.

- In 2021, a Fresno, CA jury returned with a \$20.3 million award for economic damages as a result of negligence by paramedics during an ambulance transfer, including the maximum \$250,000 in non-economic damages.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 a 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 nonetheless provides adequate recovery for all medical or rehabilitation expenses, lost wages, lost earning potential and domestic service needs.

1 “Nearly \$50 million jury verdict for Kingsburg father injured by American Ambulance,” *ABC30*, October 6, 2021.

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

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

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

* MICRA’s existing limit of \$250,000 will increase to \$350,000 for non-death cases and \$500,000 for wrongful death cases on the effective date of Jan. 1, 2023, followed by incremental increases over 10 years to \$750,000 for non-death cases and \$1,000,000 for wrongful death cases, after which a 2.0% annual inflationary adjustment will apply.