

MEDICAL SOCIETY of the STATE OF NEW YORK

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Division of Governmental Affairs
MEMORANDUM IN OPPOSITION

**IN ASSEMBLY RULES
COMMITTEE**

A.5612 (WEINSTEIN)

**IN SENATE FINANCE
COMMITTEE**

S. 4006 (HOYLMAN)

AN ACT to amend to amend the estates, powers and trusts law, in relation to payment and distribution of damages in wrongful death actions

We write to you to express our strong concerns with and ask you to **OPPOSE S.4006/A.5612**, legislation which according to a recent actuarial study could prompt as much as a 47% increase in already excessively high medical liability premiums in New York. For example, this could result in as much as a \$94,000 increase for an OB-GYN on Long Island who currently has a \$200,000 per year premium. **This legislation would have disastrous consequences for patient access to care in our communities, many of which are already struggling to assure adequate access to needed primary and specialty physician care.**

New York has once again been designated the worst state in the country to be a doctor, according to a March 2019 report from Wallethub. One main cause is our excessive liability costs. A recent report by Leverage Rx showed that in 2018, New York again had the highest total medical liability payouts, far more than any other state. Not only do we far outpace other states' total payouts, but New York has the highest per capita payouts as well.

State	Rank
Montana	1
Wisconsin	2
Arizona	24
Texas	30
Florida	32
Pennsylvania	34
Massachusetts	43
Connecticut	47
New York	51

(Source: Wallet Hub March 2019)

State	Total Liability Payouts 2018
New Jersey	\$226,712,000
California	\$269,240,200
Florida	\$346,857,350
Pennsylvania	\$369,034,250
New York	\$685,317,000

(Source: Leverage Rx)

State	Per Capita Payment 2018
California	\$6.81
Maryland	\$12.02
Massachusetts	\$25.20
New Jersey	\$25.45
Connecticut	\$28.24
Pennsylvania	\$28.81
New York	\$35.07

(Source: Leverage Rx)

We need action to reduce these costs, not piecemeal bills to make this problem worse. Please **oppose S.4006/A.5612**.

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS