



Our Healthcare Safety Net Needs to be Protected

Jerome Craig Cohen, Special to the USA TODAY Network

Our state's struggling healthcare system, already straining to meet patient care needs in communities across the state, is at a critical juncture.

Despite two previous vetoes from Governor Hochul, the New York state Legislature has again passed legislation (A.9232-B) that would dramatically expand damage awards in wrongful death lawsuits.

The Governor's veto messages on previous versions importantly recognized the "significant unintended consequences" of expanding the types of damages in wrongful death actions, including the adverse impact to our community healthcare infrastructure arising from the likely huge increase in liability costs it would face through these expanded liability awards.

The latest legislation is no different in the adverse impact it would have on our regional healthcare system.

We have great sympathy for the grieving families this legislation seeks to help. However, any legislation to expand lawsuits must be balanced to prevent runaway jury awards, limit exorbitant legal fees, and place reasonable limits on the awards for pain and suffering. Otherwise, there will be huge increases in insurance premiums.

Indeed, many other states have passed similar laws that contain limits on damages.

Doctors and hospitals are already straining to ensure patient care, with one of the top challenges being our untenable liability costs that far exceed all other states. Many physicians pay tens of thousands of dollars per year in insurance premiums, and some specialists, such as OBGYNs and neurosurgeons, can pay upwards of \$200,000 each year.

Like earlier versions, this new bill could increase insurance costs by 40%. That is untenable.

A cost increase of this size will undoubtedly pressure numerous primary and specialty care physicians to leave their practices and move to states with a less hostile liability environment. These costs far exceed states like California and Texas, with whom New York competes to retain and attract specialty care physicians. We already face a physician shortage in many parts of the state, and the costs imposed by this legislation will discourage them from locating here.

This past year's State Budget took steps to attempt to provide some stability to our community health care safety net to protect patient access to care. Yet by imposing staggering new costs, this legislation would undermine these important investments to protect access to care.

We urge the Governor to again veto this legislation, and work with the Legislature to adopt truly balanced legislation that expands the rights of grieving families, while protecting our healthcare safety net.

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