

GLVCC Healthcare Committee Position on Changes to Pennsylvania's Medical Malpractice Venue Rule

The Greater Lehigh Valley Chamber of Commerce's mission is to improve the economy and quality of life in the Lehigh Valley. The Chamber represents over 5,000 members, 95% of whom are small businesses. The objective of the Chamber's Healthcare Committee is to educate and assist Chamber members in controlling healthcare costs while maintaining exceptional healthcare quality for employees by making an impact on personal accountability, transparency, tort reform, consumerism, and promotion of free-market policies promoting competition in healthcare.

Background

On August 25, 2022, the Pennsylvania Supreme Court struck down the state's medical malpractice rule established in the Medical Care Availability and Reduction of Error (MCARE) Act of 2002, ending a 20-year limitation on the filing of medical malpractice lawsuits to the jurisdiction and venue in which the problematic care occurred. The MCARE Act included a carveout for where a medical malpractice case could be filed, due to the surge in malpractice actions brought in more populous counties in the Commonwealth, resulting in extraordinarily high verdicts in these cases.

Effective January 1, 2023, the court's order allows plaintiffs in medical malpractice cases to sue providers in jurisdictions where they regularly conduct business or any other location where the defendant could be served, rather than restricting them to suing in counties only where they received the problematic care and treatment at issue.

Chamber Position

The Chamber believes changes to Pennsylvania's medical liability venue rule could lead to several negative consequences for our members, hospitals, healthcare providers, and patients, a significant number of which work in the Lehigh Valley. Those consequences include increased healthcare costs for patients and businesses, slashing of healthcare benefits for small businesses, increased malpractice insurance premiums for hospitals and physicians, and a drastic reduction of healthcare services to the underserved populations.

The Chamber is opposed to the PA Supreme Court's decision to strike down this provision and will consider supporting any legislation introduced in the PA General Assembly which restores this provision and the protections for our medical community.

Approved by Chamber Healthcare Committee--- 11/14/2022

Approved by Chamber Public Policy Committee--- 1/18/2023