



OR-ACEP Statement on HB 2014 Medical Liability

The Oregon Chapter of the American College of Emergency Physicians (OR-ACEP) opposes HB 2014, which eliminates the \$500,000 limit on noneconomic damages recoverable in civil jury lawsuits. The lack of medical liability limits is directly linked to workforce shortages in medicine, especially among specialists needed to see patients in the emergency department and jeopardizes the patient safety net.

The medical liability crisis affects patients

States with challenging medical liability climates have a much harder time attracting and retaining an adequate physician workforce. Patients face physician shortages, delays in care and increased costs as a result.

The most dangerous consequences are delays in medical care caused by physician shortages. Many on-call physicians will neither care for emergency patients nor perform high-risk procedures out of fear of lawsuits. This may result in some patients not having access to specialists, such as neurosurgeons or hand surgeons. Lack of prenatal and OB-GYN coverage, especially in rural areas, sometimes results in women getting this care in the emergency department under the EMTALA obligations. This federal law requires anyone who comes through the doors of the emergency department, to be stabilized and treated regardless of insurance status or ability to pay. This means hospitals and emergency physicians provide the safety net and shoulder the financial burden of providing EMTALA related medical care. While they are proud to do so, destabilizing the current medical liability system puts everyone at risk.

The medical liability crisis affects what happens in emergency departments

Emergency departments care for the most severely ill and injured patients who are at greatest risk of dying. Therefore, emergency physicians can't afford to miss any symptom or condition that may pose a health risk. Very often they are working with little or no knowledge of the patient's history and exposing themselves to heightened liability risks. OR-ACEP advocates for liability protections for emergency department care providers who perform EMTALA services similar to

Chapter President- Samuel Kim, MD FACEP

Chapter Executive- Liz Mesberg

President-Elect- Michael McCaskill, MD FACEP **Government Relations Director-** Katy King



**Oregon Chapter
American College of
Emergency Physicians**

the immunity afforded to government afforded to government public health officials.

OR-ACEP supports the Early Discussion and Resolution Process (EDR)

The Chapter supported and is participating in the implementation of the EDR process administered by the Oregon Patient Safety Commission. Including two members on the governor-appointed task force. This bill, passed by the Oregon Legislature in 2013, helps patients and providers come together to participate in an open conversation about adverse events to prevent unfortunate situations from escalating, to bring greater peace of mind for everyone and to help learn from events to improve patient safety. Doctors participate voluntarily and would be less inclined to do so if put in more confrontative positions. This program is a great step forward. It has been shown in similar programs, to lower costs, including defensive medicine and result in greater public/patient and provider satisfaction as well as trial attorney satisfaction. This is a generational change that has entered our education system and is progressing well but would be severely compromised if this bill passed.

OR-ACEP urges a ‘no’ vote on HB 2014.

Chapter President- Samuel Kim, MD FACEP

Chapter Executive- Liz Mesberg

President-Elect- Michael McCaskill, MD FACEP **Government Relations Director-** Katy King

www.oregonacep.org