



Position Statement

The Supreme Court of Pennsylvania Civil Procedural Rules Committee Repeal of Medical Malpractice Venue Rule, Pa. R. Civ. P. 1006(a.1) February 2019

The undersigned chambers of the South-Central Pennsylvania Region are writing in opposition to the proposed changes to the venue rules in medical liability actions as proposed by the Civil Procedural Rules Committee.

We are fortunate, in the South-Central Pennsylvania Region, to have world class healthcare options, doctors and specialists in our communities. We oppose repealing the venue rule for medical malpractice as it would only lead to higher costs of healthcare for Pennsylvania citizens, while driving doctors out of their practices or even out of the Commonwealth due to the high cost of medical malpractice insurance premiums.

As voices of business for our respective communities, we advocate for fair policies and recommendations that foster a healthy business climate. As such, we expect that businesses have the fair opportunity to litigate in the jurisdiction in which the cause of action arises. If the current rule is repealed, and we return to the days in which attorneys are able to 'shop' for the most lucrative judicial venues in Pennsylvania, hundreds of providers, thousands of staff and tens of thousands of residents will be put at risk or experience unnecessary hardships.

At the start of the century, the issue of access to quality medical care was front and center. Then, the General Assembly passed the MCARE Act which aimed to address the inordinate amount of medical malpractice claims being filed in certain counties and included a provision that created a commission to study venue in such lawsuits. That commission issued a thorough report which the PA Supreme Court used in adopting a new court rule that provided for the filing of medical malpractice claims only in the county where the cause of action arose. By all accounts, including official court data, this rule has resulted in the equitable filing of such claims throughout the state.

An underlying issue that the repeal could have is a negative effect on our workforce. A rule change of this scale will drive medical students and residents to other states. We should be building a healthcare workforce in our region – not proposing changes that would negatively affect Pennsylvania's future.

We urge the Civil Procedural Rules Committee and the Supreme Court to reject the proposed changes to Pennsylvania Rule of Civil Procedure 1006(a.1). We encourage the Court to consider the immense consequences that repealing the medical malpractice venue rule would have on the Commonwealth and residents. We are appreciative that the Court has decided to wait in acting until receiving the report from the Legislative Budget and Finance Committee on this issue.

Thank you for your consideration to our concerns.

Sincerely,



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David Black
President & CEO
Harrisburg
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