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Court Ruling Threatens Access to Affordable Health Care

By Rep. Dan Moul (R-Adams)

A recent decision by the Pennsylvania Supreme Court reverses a policy that has prevented frivolous medical malpractice lawsuits and improved patient access to health care.

Twenty years ago, Pennsylvania health care was in crisis. Medical professionals were leaving the state or abandoning work in maternity care and other high-risk specialties to escape the exorbitant cost of medical malpractice insurance. It was particularly burdensome on the poor and rural residents who were forced to drive great distances for medical care.

At the time, medical malpractice cases were not limited to the jurisdiction where the alleged violations occurred. Instead, patients were permitted to file their claims in Philadelphia and Allegheny counties where juries were routinely awarding substantially higher payouts – a practice known as "venue shopping."

In 2002, the General Assembly enacted reforms to prevent venue shopping. It passed a law requiring a medical malpractice claim to be filed in the county where the alleged violation occurred. The Pennsylvania Supreme Court followed with a matching prohibition. But now, in an apparent nod to the powerful trial lawyers' lobby, the court is reversing course. It is repealing its medical malpractice venue rule and suspending related statutes.

Beginning Jan.1, plaintiffs will no longer be restricted to filing a medical malpractice lawsuit in the county where the action allegedly occurred. This action effectively restores venue shopping, which will once again lead to higher health care costs, a decline in the number of available medical professionals, and a decrease in patient access to affordable health care.

While remedies for the court's action seem elusive, we cannot afford to regress. While we continue to search for a legislative solution, we can only hope the court sees fit to reverse itself again and restore the solution that has worked well for us the past two decades.

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