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Tort Reform Effort Renewed:
Physicians Seek Fixes to Legal Loopholes

HARRISBURG (October 22, 2007) – Pennsylvania Orthopaedic Society (POS) President Charles D. “Chip” Hummer, III, M.D. today stood with former U.S. Attorney General and Governor Dick Thornburgh and members of the House Republican Policy Committee as they unveiled their Lawsuit Abuse Reform measures.

Dr. Hummer joined other leaders in Pennsylvania’s business and medical community at a press conference in the state Capitol where they detailed the seven proposals the House Republicans are promoting to reduce lawsuits and protect the business and medical communities from frivolous lawsuits.

“I think its high time Pennsylvania take its place among the leaders to do something about lawsuit abuse,” Gov. Thornburgh said. “It’s important that we have a

court system which is fair and even handed, handling issues in a timely manner and enshrined in dispute resolution.”

POS is supporting the provision in the package, which would require that a plaintiff filing a liability action include with the complaint a certificate of merit as prescribed by court rules, including a statement that the plaintiff suffers from a serious injury.

“Our focus is on fixing the loopholes trials lawyers are using to dilute the effectiveness of two important reforms established five years ago – the Certificate of Merit process and the Venue Rule,” Dr. Hummer said. “This common sense solution would reduce a significant number of frivolous lawsuits and provide great savings to our healthcare system – savings which could be used for direct patient care instead of lawyers’ fees.”

POS continues to support reasonable limits on non-economic damages in medical liability cases and caps on attorney fees in medical liability cases. Both proposals are included in the Lawsuit Abuse Reform package. Also included in the package are the Fair Share Act, which would eliminate joint and severable liability; limits on the recovery of punitive damages; and, restrictions on liability with respect to innocent sellers and where a product misuse has occurred. Many of the reforms proposed simply take the measures enacted in Act 13, which only apply to medical liability cases and extend them to all tort actions.

“We must work to enact these reforms so Pennsylvania can become competitive for recruiting excellent high-risk specialty surgeons such as orthopaedic surgeons to care for our aging population,” Dr. Hummer said. He noted that Pennsylvania is on the verge

of another crisis of patient access to specialty medical care as many physicians are reaching retirement age, but fewer physicians are opting to practice here because of the state's hostile medical liability environment.

The state's Mcare Abatement program, which has helped stabilize Pennsylvania's medical liability insurance premiums, is due to expire December 31, 2007. POS is advocating for a renewal of the Mcare Abatement program as a means to preserve patient access to specialty medicine while legislators work on the additional reforms needed to improve our medical liability environment.

POS is a professional medical specialty organization representing more than 900 orthopaedic surgeons across Pennsylvania in advocating for excellence in the practice of orthopaedic medicine. For more information on the importance of bone, joint and muscle health at every age, visit the POS website at www.paorthosociety.org.

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