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## **H.R. 816, The Provider Shield Act of 2011 An Important Step to Preserve Patient Access to Care**

There is widespread, bipartisan agreement that our nation's medical liability system is broken and needs to be fixed. While there are differing opinions regarding specific reform measures, most people (with the exception of personal injury lawyers) agree that medical lawsuit abuse should not be encouraged. Unfortunately, the health care reform bill passed last year did not include specific protections to ensure this did not happen. The Provider Shield Act, H.R. 816, serves to clarify language in the Patient Protection and Affordable Care Act to ensure that medical lawsuit abuse does not become an even bigger problem than it already is.

### ***Pinpointing the Problem***

Included in the Patient Protection and Affordable Care Act are no less than 14 provisions with the potential to open the floodgates for new medical liability litigation in the United States.

There was enough concern about the foreseeable problems that Congress commissioned a "study" was commissioned by the Government Accountability Office (GAO) to see if these sections did indeed result in new avenues for the filing of medical liability claims. The HCLA believes that a study is unnecessary and will only needlessly create an opening for such cases to be filed until Congress finds the opportunity to correct the issue.

In a letter dated March 2010 to Senate Majority Leader Harry Reid and former House Speaker Nancy Pelosi, the HCLA wrote,

"The failure to include language in the bill which plainly and clearly states that no standard or guideline in the bill establishes a new standard of care creates an open invitation to create a new medical liability crisis by expanding litigation substantially while the study is being conducted."

Unless this important issue is addressed, we will likely see an even greater medical liability crisis that forces good doctors out of the practice of medicine, leaving patients without the care they need when they need it.

### **Proposing a Solution**

Congress should not wait for a study to be conducted – it should quickly amend the law to clearly state its intent was not to create new medical liability causes of action that could result in higher medical liability insurance premiums and a shortage of physicians in communities across the country.

The HCLA supports legislative language included in the recently introduced *Provider Shield Act of 2011* that states,

“The development, recognition, or implementation of any guideline or other standard under any health care reform provision shall not be construed to establish the standard of care or duty of care owed by a health care provider to a patient in any medical liability case.”

***Our nation’s medical liability system is already broken. Let’s not make it any worse.  
Support H.R. 816 to preserve patient access to care.***