

## Government Relations Program

### 2018 SESSION UPDATE

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The following provides updates on our Government Relations Program for the 2018 legislative sessions in the states where our members practice, as well as on our efforts at the federal level.

#### **Federal**

Nationally, we continue to support and work with the Physician Insurers Association of America (PIAA) and its push for national legislation to improve patient access to health-care services and to provide improved medical care by reducing the excessive burden that the liability system places on the health-care delivery system. Our in-house lobbyist Anne Bryant serves as the Chair of the PIAA Government Relations Committee.

On June 28, 2017, the U.S. House of Representatives passed the Protecting Access to Care Act (H.R. 1215), the first comprehensive medical-liability reform legislation to be passed by either chamber of Congress in more than five years, with a vote of 218–210. The House has passed similar legislation in previous years; the barrier to adoption thus far has been in the Senate. Unlike the previous legislation, H.R. 1215 is limited to claims involving expenditures of federal dollars.

We support the Good Samaritan Health Professionals Act and Crisis Standard of Care legislation that provides liability protection for health-care professionals and facilities providing uncompensated services to victims of federally declared disasters. We also promote the framework for legislation that addresses telemedicine-liability concerns, as telemedicine services continue to expand.

#### **Learn more about:**

- **H.R. 1215/Protecting Access to Care:** <https://bit.ly/2nAFgC6>
- **The Good Samaritan Health Professionals Act:** <https://bit.ly/2rFp44A>

#### **Washington: Successes**

Washington's 2018 legislative session convened on January 8, 2018, and adjourned on March 8, 2018, on time with no special session. This year's session saw an end to the historical environment of one Democrat crossing over to caucus with the Republicans for a new majority.

We defeated renewed efforts to expand liability in wrongful-death and survival claims to include other beneficiaries, as well as proposals to expand damages by inflating medical expenses in personal-injury medical claims. We also defeated the introduction of punitive damages in Washington. We supported shared decision-making proposals that did not alter informed consent requirements, along with legislation that preserved liability protection for emergency-volunteer practitioners and the creation of a pilot program concerning telemedicine.

We work closely with our allies, including the Washington State Medical Association, the Washington State Hospital Association, and the Washington Liability Reform Coalition. We continue to partner with the governor's Health Care Advisor to implement the Healthier Washington campaign in an effort to transform health-care delivery by promoting community health, improving quality of care, lowering health-care costs, and empowering patients.

**Learn more on legislation about:**

- **Wrongful death:** <https://bit.ly/2uLLYKY>
- **Punitive damages:** <https://bit.ly/2uQLGTp>
- **Emergency volunteers:** <https://bit.ly/2q452P9>
- **Telemedicine:** <https://bit.ly/2GATD0o>

**Oregon: Unprecedented Turnover**

Currently, there are two physician legislators in the Oregon Legislature: one Republican in the House and one Democrat in the Senate. There was an unprecedented amount of turnover in both the Senate and the House prior to session. The 2018 legislative session convened on February 5, 2018, and adjourned on March 4, 2018, eight days before the constitutional deadline.

Prior to session, we defeated proposals to increase the \$500,000 cap on non-economic damages recoverable in wrongful-death and bodily-injury actions, proposals to add insurance to the Unlawful Trade Practices Act, and proposals to expand the types of lawsuits that can be brought against insurance companies. We supported comprehensive legislation that improves the liability system and provides for meaningful patient-safety initiatives, including a proposal that allows for a sliding scale on attorney contingency fees. No such initiatives were filed during the 2018 legislative session.

As in Washington, we work closely with our Oregon allies, including the Oregon Medical Association and the Oregon Liability Reform Coalition. We continue to promote further improvement to the health-care delivery system through a partnership with the Oregon Patient Safety Commission to implement a patient-empowerment program, and our in-house lobbyist serves on the Oregon Collaborative on Communication & Resolution Program Advisory Council. We also participate in the Oregon Rural MPL premium subsidy plan, which pays part of the premium by reimbursing participating providers.

**Idaho and Wyoming: Business as Usual**

In Idaho, the 2018 legislative session convened on January 8, 2018, and adjourned on March 26, 2018. In Wyoming, the 2018 legislative budget session convened on February 12, 2018, and adjourned on March 15, 2018. Both states' sessions were relatively quiet, and did not present any significant professional-liability challenges.