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American Association of Oral and Maxillofacial Surgeons

## MEDICAL MALPRACTICE REFORM



**Please support legislation to provide medical malpractice reform.**

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**Key details:** H.R. 1215 is sponsored by Rep. Steve King (R-Iowa).  
It passed the House on June 28 by a 218-210 vote.

### About H.R. 1215, the Protecting Access to Care Act:

- H.R. 1215 is based on successful state medical liability reforms. Specifically, it:
  - Ensures **full and unlimited recovery of economic damages**, including payment of past and future medical expenses, rehabilitation costs, lost wages, and other out-of-pocket expenses.
  - Sets a **reasonable limits on non-economic damages**, such as pain and suffering.
  - Establishes **reasonable statute of limitations** on filing lawsuits.
  - Caps attorney fees so that patients receive a **greater share of the settlement**.
- It only applies to goods or services for which coverage was provided via a **federal program, subsidy or tax benefit**.
- This legislation **does not pre-empt state law** that otherwise caps damages or provides greater protections that lower state costs.

### Why Enact Medical Malpractice Reform?

- Like many other doctors, oral and maxillofacial surgeons believe that the **current civil justice system** is both **costly and ineffective in resolving claims of healthcare liability and injury compensation**. It adversely impacts patient access to healthcare services, the quality of patient care and the overall cost-efficiency of healthcare.
- The current system encourages healthcare professionals to engage in “**defensive medicine**,” which leads to costly, and often unnecessary, care. It also deters health professionals from sharing information with one another that, in turn, impedes efforts to improve patient safety and quality of care.
- The current U.S. tort system unjustly affects patients who have meritorious healthcare injury claims. Patients who have been injured due to negligence **deserve to receive just compensation, speedier dispute resolution and reasonable recovery of damage awards** with standards on how much of the final award malpractice attorneys can take in fees.
- H.R. 1215 seeks to address many of these issues by enacting reforms similar to those in states like California that have proven successful in providing **reasonable malpractice rates** for healthcare professionals while ensuring that **patients adversely harmed receive full and timely recompense for their injuries**.



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