



**Maryland Chamber of Commerce**

## **Legislative Position**

**SB 505  
OPPOSE**

**Judicial Proc.  
Committee  
3/4/09**

### **SB 505**

#### **Health Care Malpractice - Noneconomic Damages**

**Bill Summary:** This bill would increase the cap on noneconomic damages that may be awarded in a survival action and wrongful death action concerning a health care malpractice claim.

**Chamber Position:** The Maryland Chamber of Commerce opposes this bill, which would increase medical liability insurance costs. During the 2004 special session the General Assembly wisely reduced the cap on noneconomic damages for cases involving a survival action and a wrongful death action from a “double cap” to a limit of 125% of the individual limit. At \$665,000, Maryland’s noneconomic damage award cap is already one of the highest in the country. Further escalation in this cap would simply increase noneconomic damage awards and fuel further increases to high medical liability insurance rates that are threatening access to certain medical specialties.

Access to health care is vitally important to Maryland businesses as employers, health care institutions, and users of health care. The General Assembly’s efforts at the 2004 special session were a stop-gap measure that must be further refined, not rolled back. We strongly believe that additional meaningful reforms to the calculation of medical liability damages are necessary if we are to reduce the cost of liability insurance.

For these reasons, the Maryland Chamber urges that this bill be given an unfavorable report.

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