



To: The Honorable Herb Conaway, Chair
Members, Assembly Health and Senior Services Committee

From: Marcus Rayner, Executive Director

Date: February 7, 2013

RE: NJLRA **supports A-1831**, concerns liability and insurance coverage for medical liability actions.

The New Jersey Lawsuit Reform Alliance (NJLRA) is a state-wide, bipartisan coalition of the state's largest employers, small businesses, and trade associations dedicated to improving New Jersey's civil justice system and promoting economic growth. On behalf of our members, **NJLRA supports A-1831, which seeks to address two of the important medical liability reforms sought by New Jersey's healthcare providers.** And it is an important first step to help reverse the public crisis of doctors fleeing our state.

Practicing specialized medicine in New Jersey is comparatively difficult for recent medical school graduates. In addition to their student loans, new doctors must bear New Jersey's high cost of liability insurance premiums. Specialties which carry some of the highest premiums, including obstetrics and gynecology, disproportionately impact New Jersey women. It is no longer cost effective for many existing OBGYNs in New Jersey to deliver babies, and many have stopped doing so altogether.

If enacted, A-1831 would help lower liability insurance premiums, which is frequently cited as a key reason for New Jersey's so-called medical brain drain. Insurance premiums begin to increase the moment a lawsuit is filed. This bill would prevent insurance carriers from raising liability premiums based on a claim of medical practice, unless the physician is found liable in court. It would also prohibit insurers from increasing liability premiums in certain charitable or emergency situations.

While these are positive first steps toward addressing New Jersey's doctor shortage, we believe that A-1831 would be further strengthened by revising the standards for expert testimony in medical liability cases. Currently, witnesses offering expert testimony in medical liability cases do not need to be board certified in the specialty for which they are providing expert testimony. Requiring witnesses to be licensed in the doctor's specialty provides a more just platform on which to evaluate whether a physician deviated from an acceptable standard of care.

Moreover, as our population outpaces the number of physicians we need to adequately care for New Jersey residents, volunteer healthcare professionals will become increasingly important. As it is currently written, this bill provides narrow circumstances under which unpaid medical personnel would benefit from civil immunity. We believe A-1831 would be further strengthened by offering broader civil immunity to unpaid medical personnel, including our EMTs.