

I am an emergency physician and have been in Pennsylvania medical practice for over 42 years. I have been active as a Pa ACEP board member and have been instrumental in helping institute Pa's "prudent layperson" rule for emergency visits in the 1990's. During my years in practice I have seen malpractice costs steadily rise until about a 15 years ago, when the Pennsylvania legislature wisely changed malpractice laws including instituting the venue change whereby lawsuits needed to stay in the community where the action occurred. Now I see where this is being revisited. I strongly oppose this new direction. Malpractice cases need to be kept in the community where they occurred. Moving the venues to the bigger cities changes the dynamic in a negative way for all involved except for the trial attorneys. I understand that the larger metropolitan areas tend to award much larger settlements and the people involved may not have the proper insight as to why and how the alleged malpractice occurred in the smaller, rural or non-urban areas.

A decade ago, Philadelphia and Pittsburgh courts already ranked well above national medians for other metropolitan counties in per capita rates of malpractice filings and even higher in rates of malpractice trials. Comparing Pennsylvania to other states, Philadelphia County and Allegheny County (Pittsburgh) ranked quite high in malpractice filings per population among 45 large counties across the country when studied by federal officials in 1992. Pittsburgh's rate was more than 50% above the national median; Philadelphia's rate was just over double the national median. Philadelphia is generally believed to have very high jury awards. This reputation is confirmed by available information for 1999-2001 for the Court of Common Pleas, which handles almost all malpractice cases in the county. The plaintiff "win" rate of 44% in Philadelphia may not seem high, but it is roughly double the national average. (1)

Currently in Pennsylvania, a medical malpractice lawsuit may only be filed in the county where the alleged malpractice occurred. The current rule, which is exclusive to medical malpractice cases, was enacted more than 15 years ago in response to a concern that medical malpractice lawsuits were being disproportionately filed in counties where juries were likely to render higher verdicts based on historical statistics. There is no doubt that medical malpractice filings have dropped substantially since this and other rule changes went into effect in 2002. Now, the Pennsylvania Supreme Court Rules Committee has proposed rule changes that would allow plaintiffs to file a medical malpractice lawsuit in any county where the health care provider defendant regularly does business. The rule change would not permit plaintiffs to file anywhere, but it would loosen the current filing restriction and allow venue shopping. (2)

In summary, if this proposed rule change would pass, the cost of malpractice premiums would again continue to rise, indirectly causing patients to pay higher medical costs, it would impact recruitment of physicians in non urban areas, there would be an increase in malpractice fillings, and only the trial attorneys along with a few plaintiffs would benefit to the detriment of most patients, doctors and the healthcare system. I believe the current laws were enacted in good faith for the betterment of *all* patients and the healthcare system in Pennsylvania. Please leave the current law in place. Thank you.

Harry Kintzi MD FACEP

1-Understanding Pennsylvania's Medical Malpractice Crisis Facts about Liability Insurance, the Legal System, and Health Care in Pennsylvania Randall R. Bovbjerg and Anna Bartow
2-<https://www.natlawreview.com/article/pennsylvania-supreme-court-rules-committee-considers-change-to-med-malpractice-venue>