



PENNSYLVANIA ACADEMY OF FAMILY PHYSICIANS

Pennsylvania Academy of Family Physicians (PAFP)

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**Written Testimony to the Pennsylvania House Republican Policy Committee – Fiscal Year
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Good afternoon, Honorable Chair Donna Oberlander and distinguished members of the House Majority Policy Committee. My name is Dr. David O’Gurek and I currently serve as the President of the Pennsylvania Academy of Family Physicians, representing over 6,000 family physicians, residents, and students in the Commonwealth. We thank you for holding this very important hearing to discuss this pertinent issue facing health care in Pennsylvania as the PAFP strongly opposes the Civil Procedure Rule’s Committee’s recent proposal to reverse venue shopping rules.

The Medical Care Availability and Reduction of Error Act (MCARE) in 2002 (Act 13) appropriately addressed the significant issue of venue shopping that was occurring prior to this important act. The changes implemented by MCARE were a product of deliberations of all three branches of government through the Interbranch Commission on Venue which were accepted by the Pennsylvania Supreme Court. The results of this act are clear with medical malpractice lawsuits filed declining by 45% from the average of 3 years prior to 2002 and declined 68% in Philadelphia with more evenly dispersed suits throughout the Commonwealth. These results in a fairly rapid period of time demonstrate the success of the MCARE Act in accomplishing its initial intent as well as reducing malpractice premiums for physicians in Pennsylvania.

We consider the proposed rule change to be misguided and without a clear intent addressing a problem. We face many challenges and problems in health care; however, the current venue rule seemingly is not one that is causing undue stress or problems to preserve the health and welfare of the citizens of the Commonwealth. In fact, the PAFP commends the Pennsylvania Senate for the recent passage of Senate Resolution 20 that directs the Legislative Budget and Finance Committee (LBFC) to conduct an analysis of the impact of the current venue rule. Despite reductions in the number of filings of malpractice claims, there is no evidence to suggest that maintaining the venue within the county in which the claim arose deprives alleged victims of malpractice access to filing a claim or a fair and balanced trial. To suggest that an out

of county venue is more appropriate disrespects the court system within the county of venue and risks a return to the previously demonstrated overload to the court systems in select counties.

A change to the current venue rule has the potential to increase malpractice premiums in the state which may have an effect on physicians wishing to begin or remain in practice in Pennsylvania. More importantly, however, a change in venue rule predisposes physicians to travelling to different counties for depositions and trials. The opportunity cost of such travel and circumstances is missed opportunities to provide the needed care to Pennsylvanians, jeopardizing both individual and population health. This misguided proposal therefore has the potential to cause undue harm and access issues, particularly in rural counties where access and availability are already limited. The unintended consequences of such a change therefore has significant ramifications for the health of the Commonwealth.

We therefore urge rejection of the proposal to reverse venue rules within the Commonwealth which threaten the health and welfare of population health.

In conclusion, the PAFP thanks the Committee for the opportunity to provide this testimony and share information on this critical issue facing the future of medicine in Pennsylvania. Maintenance of the current rule maintains access to due process for citizens and ensures a stable malpractice environment for medicine.