



PENNSYLVANIA ACADEMY
OF FAMILY PHYSICIANS

January 25, 2019

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Pa. Supreme Court (civilrules@pacourts.us)

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On behalf of the Pennsylvania Academy of Family Physicians, representing over 6,000 family physicians in the Commonwealth, I wish to express our sincere concern about the Civil Procedure Rules Committee's recent proposal to reverse longstanding medical liability venue rules.

As you recall, in the early 2000s, Pennsylvania was in the midst of a discussion around medical liability reform resulting in the Medical Care Availability and Reduction of Error Act (MCARE) in 2002 (Act 13). As a result of MCARE, medical liability cases were required to be filed only in the county where the cause of action or injury arose. It was a product of compromise and vetting by all three branches of government through the Interbranch Commission on Venue whose recommendations were accepted by the Pennsylvania Supreme Court.

As a result of the venue rule, data from 2010 show that medical malpractice lawsuits filed declined by 45% from the average of three years prior to 2002 and declined 68% in Philadelphia with more evenly dispersed suits throughout the Commonwealth. Therefore, the current venue rule has been successful in addressing the original intent to redress the undue expansion of venue and prevent forum shopping in medical malpractice actions. Furthermore, the proposed rule change presupposes that counties in which medical professional liability actions are now being litigated do not produce fair results.

We consider the proposed repeal of the venue rule to be misguided. The impact of a rule change on physicians may result in increased medical liability insurance premiums, an unstable commercial insurance market, and more importantly the opportunity cost of travelling long distances to attend depositions and trials will result in time not spent providing care to patients and communities, thus affecting the health of our citizens.

We respectfully request that this proposed rule change be rejected and the current venue rule upheld. Should you have any additional questions or if we could be of assistance in addressing this important issue, please do not hesitate to contact me at (570) 778-6267 or david.ogurek@temple.edu.

Sincerely,

David T. O'Gurek, MD, FAFAP
PAFP President