



*Representing the advocacy interests
of hospitals and health systems on Long Island and in the Hudson Valley*

OPPOSITION

MEMORANDUM

June 12, 2017

TO: Members, Long Island Senate Delegation of the New York State Legislature
Members, Hudson Valley Senate Delegation of the New York State Legislature

FROM: Kevin W. Dahill, President and CEO

RE: S.4080 (DeFrancisco) – in Senate Judiciary Committee

S.4080 would amend the current statute of limitations for medical, dental, and podiatric malpractice lawsuits by establishing a “discovery” rule. This would delay the start of the statute of limitations period until the discovery of the act, for up to 7 years after the injury. **The Suburban Hospital Alliance of New York State strongly opposes this legislation.**

This legislation would dramatically expand the period of time in which malpractice lawsuits can be filed. Under current law, plaintiffs have two and one-half years from either the date of the injury or the date of the last treatment for which there has been continuous treatment of the injury. The proposed legislation would create a “discovery of injury” rule, which would allow the plaintiff to file suit up to seven years after discovery of the alleged negligent act. This bill also would allow a suit to be brought based on an act or omission occurring up to seven years before the effective date of the bill.

The veracity and level of detail of the testimony that will be given so many years after the injury is questionable at best. Furthermore, this would broaden the field of stale lawsuits that could be brought, which inevitably would result in significant increases in malpractice insurance premiums.

Hospitals in the suburban regions already pay some of the highest malpractice premiums in the country, and costs continue to rise. This increases the cost of care for consumers, employers and the state, while physicians leave New York to practice elsewhere. We need true reform that balances the rights of patients to receive fair compensation against the need for rational procedures and limitations that keep premiums affordable. Regrettably, S.4080 will take New York even farther from achieving this goal.

For these reasons, the Suburban Hospital Alliance urges your opposition to this legislation.