



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

# SUPPORT

## MEMORANDUM

February 28, 2019

TO: Assembly Speaker Carl Heastie  
Members, Long Island Delegation of the New York State Assembly  
Members, Hudson Valley Delegation of the New York State Assembly

FROM: Kevin W. Dahill, President and CEO

RE: A.2140 (Hawley) — in Assembly Codes Committee

This bill would amend civil practice and judiciary laws to require a certificate of merit in actions arising out of alleged negligence and limit compensation for non-economic damages in personal injury actions. **The Suburban Hospital Alliance of New York State strongly supports this bill.**

Currently, in actions for damages, contribution or indemnity arising out of alleged negligence, the law requires that the plaintiff's attorney review the facts of the case with at least one expert in a related field to confirm that there is reasonable basis for the commencement of such action. The language in this bill would require that the experts consulted sign an affidavit summarizing their conclusions and that the affidavit be submitted by the plaintiff's attorney with the certificate of merit. Language in the law would still allow for plaintiff's to bring action in the absence of a signed affidavit, but it is our belief that the added step would reduce the number of unfounded actions or terminate them in the early stages saving the expense of unfounded or frivolous litigation.

The bill would also limit non-economic damages pursued, in addition to any economic damages pursued or granted, to \$250,000. The law currently provides extensive coverage of economic damages for individuals involved in personal injury actions, without limit, for expenses including but not limited to medical care, loss of earnings and earning capacity, loss of employment, rehabilitative care, and custodial care. A reasonable limit on non-economic damages balances the rights of patients to receive fair compensation and the need for rational procedures and limitations that keep malpractice premiums affordable

**The Suburban Hospital Alliance strongly supports this legislation and urges you to vote in favor of it.**