



Suburban  
Hospital Alliance  
of New York State, LLC

# OPPOSITION MEMO

**Date:** May 13, 2024  
**To:** Members of the Hudson Valley & Long Island Legislative Delegations  
**From:** Wendy Darwell, President & CEO  
**Re:** A.9232 – Referred to Assembly Judiciary Committee  
S.8485 – on 5/14 Senate Judiciary Committee agenda

The Suburban Hospital Alliance of New York State, representing hospitals and health systems on Long Island and in the Hudson Valley, continues to oppose A.9232/S.8485, legislation that would vastly inflate medical malpractice premiums by expanding the kinds of damages recoverable in a wrongful death suit as well as the pool of potential claimants in such suits.

Under current law, an injured patient may recover damages for pain and suffering. If the patient is deceased, the malpractice award goes to the estate. Measurable damages like medical expenses and lost earnings are awarded to those who would suffer such losses or incur these expenses. The beneficiaries of the deceased individual's estate may also be compensated for non-economic damages through a survivorship cause of action. The proposed legislation would extend the statute of limitations for filing wrongful death suits and make a long list of family members eligible for pain and suffering awards.

**While we agree that the statute needs updating, such an effort must balance the legitimate needs for compensation of close family members against access to and affordability of healthcare and other essential services for all New Yorkers.**

In enacted, A.9232/S.8485 will result in an extraordinary increase in medical malpractice premiums. According to an analysis conducted by Milliman, an independent actuarial firm, the bill first passed by the Legislature in 2022 would result in an **increase in premiums of more than 45 percent**. In her veto message on that bill, Governor Hochul specifically referenced how this unfunded mandate cannot be reasonably absorbed by healthcare providers. Although the bill was modestly amended last year, it did not mitigate the financial burden on policyholders to any significant extent, resulting in a second veto. A. 9232/S.8485 is identical to that bill.

**The legislation purports to address inequities in the medical liability system, but it will harm the very individuals that it aims to help.** Safety net institutions that serve distressed communities are already financially fragile. They simply cannot bear the extraordinary cost of this legislation. Inevitably, access to care will be impacted.

**The Suburban Hospital Alliance joins other provider associations, municipal governments and business leaders in urging the Legislature to defer action until an independent entity can fully assess the impact of the amended bill.**