



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

# OPPOSITION

## MEMORANDUM

June 12, 2017

TO: Senate Majority Leader John Flanagan  
Senate Coalition Co-Leader Jeffrey Klein  
Assembly Speaker Carl Heastie  
Members, Long Island Delegation of the New York State Legislature  
Members, Hudson Valley Delegation of the New York State Legislature  
Members, Independent Democratic Conference

FROM: Kevin W. Dahill, President and CEO

RE: A.1386 (Weinstein) – in Rules Committee  
S.411 (DeFrancisco) – referred to Judiciary Committee

A.1386 and its Senate companion, S.411, would vastly inflate medical malpractice premiums and encourage frivolous lawsuits by allowing the award of damages for emotional pain suffering to the friends, family and others affected by the death of an injured patient. **The Suburban Hospital Alliance of New York State strongly opposes these bills.**

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. In a wrongful death case, current law allows the award of measurable damages like medical expenses and lost earnings to those who would suffer such losses or incur these expenses. The proposed legislation opens the door to the substantially more speculative claims of pain and suffering by friends or family members, in addition to measurable damages.

This legislation would be a vast expansion of liability for expenses that are highly emotional and difficult to calculate. Because of the attraction of a potential windfall, it would invite more of the frivolous lawsuits that already overburden our judicial system. The enactment of this proposal will most certainly lead to higher medical malpractice premiums in the suburban regions, where we already pay some of the highest rates in the nation.

**For the reasons cited above, the Suburban Hospital Alliance urges your opposition to A.1386/S.411.**