



Elizabeth Fine,
Counsel to the Governor
Executive Chamber, New York State Capitol
Albany, NY 12224

Dear Ms. Fine:

On behalf of the Suburban Hospital Alliance of New York State, which represents hospitals and health systems on Long Island and in the Hudson Valley, I write to express our concerns about S.74/A.6770, legislation that significantly expands potential claims of non-economic damages in wrongful death liability cases. This legislation has passed both houses of the Legislature and will soon be delivered to Governor Hochul for her consideration.

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. S.74/A.6770 opens the door to substantially more speculative claims by friends and family members, in addition to measurable damages, by making eligible for recovery grief, anguish, loss of love, loss of society, loss of protection, loss of comfort, loss of companionship and loss of consortium.

This would be a vast expansion of liability for damages 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. While the bill would apply to all wrongful death cases, the impact on medical liability cases would be most profound. Medical malpractice premiums, already among the highest in the nation, would increase by as much as 40 percent if this legislation is enacted.

Our state is in need of true malpractice reform that balances the rights of patients to receive fair compensation and the need for rational procedures and limitations that keep malpractice premiums affordable. S.74/A.6770 would worsen what is already an unsustainable litigation environment for New York healthcare providers.

For these reasons, the Suburban Hospital Alliance strongly opposes this legislation and urges the Governor to veto S.74/A.6770.

Sincerely,

Wendy D. Darwell
President and CEO