

February 21, 2019

Karla M. Shultz, Counsel
Civil Procedure Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635

Dear Attorney Shultz:

I am writing to you regarding the proposed medical malpractice venue rule change. While we appreciate the fact that the Pennsylvania Supreme Court is delaying action on the proposed rule change, we want to express our concern regarding the proposed rule.

I am writing to you on behalf of Healthcare Council of Western Pennsylvania. We are a non-profit, independent trade association, representing hospitals, long-term care organizations, specialty hospitals, rehabilitation facilities, and those organizations that provide services to individuals with developmental disabilities in 30 counties of western Pennsylvania.

In the early 2000s, there were a series of reforms enacted to address the growing and challenging medical malpractice crisis in Pennsylvania. Before these reforms were enacted, physicians left Pennsylvania to practice in other states, some just across our borders in Ohio, West Virginia and Maryland. Physicians with many years left to practice medicine, retired and physicians who practiced in specialties with higher malpractice insurance cut back their practices to primary care.

At that point in time, even students graduating from medical school or completing internships and residencies left the state of Pennsylvania at alarming rates. In western Pennsylvania, very few medical students from the University of Pittsburgh stayed to complete their training or practice in Pennsylvania.

All of this resulted in less access to care for those living in western Pennsylvania, especially in the rural areas of the state. This issue also created economic issues for western Pennsylvania, especially Pittsburgh, which many national experts have lauded for transitioning from a manufacturing economy to one based on medicine and education.

One of the most significant medical malpractice reforms was the creation of Act 13 of 2002, which created the Pennsylvania Interbranch Commission on Venue. The Commission developed the rule that curtailed venue shopping. This, coupled with other malpractice reforms, helped stabilize insurance rates, which in turn, helped retain, and even recruit physicians, practicing in Pennsylvania.

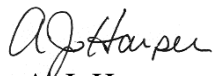
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Changing the venue rule now would mitigate the positive economic changes made in Pennsylvania, but more importantly curtail access to care, especially in rural and smaller communities. In addition, as consolidation in the healthcare market has occurred throughout Pennsylvania, these larger healthcare systems become larger targets.

While Healthcare Council supports the commission of a study by the Legislative Budget and Finance Committee on the impact of the venue change proposal, we have grave concern that if the proposed rule would be enacted the impact on the economy and access to care would cause irreparable damage to patients, physicians and hospitals throughout Pennsylvania.

Thank you for your consideration of comments from Healthcare Council of Western Pennsylvania. I welcome further discussion of this very important issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. J. Harper".

A. J. Harper
President

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