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## Government Relations

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### **Government Relations – Guiding Principles:**

- ❖ Support comprehensive effective legislation that will (1) enhance the healthcare liability system, (2) promote meaningful patient-safety initiatives, (3) improve healthcare quality, and (4) support communication between healthcare professionals, providers and patients
- ❖ Provide advocacy to address challenges to the healthcare liability system that may (1) create new causes of action, (2) alter the standard of care, (3) establish strict liability for providing or not providing care, and (4) impose onerous or unnecessary duties on healthcare professionals and providers

### **Federal Effort:**

- Support Coronavirus protections that provide immunity from liability to health professionals and facilities for care provided in good faith during the national public health emergency
- Support comprehensive legislation that improves the liability system and promotes meaningful patient safety initiatives – similar to California’s *Medical Injury Compensation Reform Act*
- Support Crisis Standard of Care and the *Good Samaritan Health Professional Act* to provide liability protections for healthcare professionals and facilities providing uncompensated services to victims of federally declared disasters – similar to the protections in the *Coronavirus Aid, Relief and Economic Security (CARES) Act* but not limited to Covid-19
- Promote framework for legislation that addresses telemedicine liability concerns as telemedicine services continue to expand
- Protect reasonable cybersecurity and data privacy proposals relating to the *Health Insurance Portability and Accountability Act (HIPAA)*

### **State of Washington:**

- Defeat proposals that expand economic damages by inflating medical expenses in personal injury medical claims, increase medical malpractice prejudgment interest and increase the mandatory arbitration limitations
- Defeat proposals that expand wrongful death actions by creating a new class of beneficiaries and proposals that allow punitive or exemplary damages in Washington State
- Support proposals that engage in shared decision making without impacting informed consent requirements
- Promote reasonable proposals regarding a healthcare provider’s duty to protect and duty to warn in the outpatient context

### **State of Oregon:**

- Defeat proposals that add insurance to the Unlawful Trade Practices Act and expand the types of lawsuits that are brought against insurance companies

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- Defeat proposals that increase the \$500,000 cap on non-economic damages recoverable in wrongful death actions and promote the statutory regulation of litigation funding companies
- Support legislation that improves the liability system and promotes communication between healthcare professionals, providers, and patients

***State of California:***

- Defeat proposals that increase the \$250,000 cap on non-economic damages recoverable in personal injury and wrongful death actions
- Defeat proposals that allow unlimited pain and suffering damages to be awarded to beneficiaries in survivor actions
- Support *Pre-Lawsuit Notice and Opportunity to Settle Act* a proposal that allows 60-days to resolve dispute before filing a lawsuit and *Consumer Legal Fee Protection Act* that allows for a reasonable cap on allowable attorney fees of 20%

***States of Alaska and Idaho:***

- Defeat proposals that expand economic damages by inflating medical expenses in personal injury medical claims
- Promote proposals that support and strengthen the intended interpretation of the cap on non-economic damages recoverable in personal injury and wrongful death actions (***Idaho***)

***In State's Where We Do Business:***

- Promote reasonable liability protections to provide immunity for liability to healthcare providers and facilities who are leading the efforts to address the national public health emergency
- Promote framework for legislation that addresses telemedicine liability concerns as telemedicine services continue to expand across the states
- Support Crisis Standard of Care and Good Samaritan proposals to provide liability protections for health care professionals and facilities providing uncompensated services to victims of federally declared disasters – not limited to Covid-19 pandemic
- Defeat proposals that increase the cap on non-economic damages recoverable in personal injury and wrongful death actions in states that have damage caps in effect

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