

POMA



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February 15, 2019

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

RE: Pa.R.C.P.No.1006 – Venue.

Dear Ms. Shultz:

On behalf of the Pennsylvania Osteopathic Medical Association (POMA) I write to express opposition to changing the civil procedural rule on venue, Rule 1006, for medical professional liability cases.

This rule was put into place during a crisis period for the Commonwealth when a hardened insurance market and high cost verdicts in medical professional liability cases made finding and funding professional liability insurance coverage very difficult. Many physicians found the cost for insurance coverage untenable. This led to many physicians leaving the state or retiring early. At that time, the crisis became an albatross on the physician marketplace and for patients, because Pennsylvania was viewed by many young physicians as being hostile to the profession.

Also, during that time physicians in many specialties decided to leave our Commonwealth rather than risk a malpractice case being moved from the county of occurrence to a county that was known to payout an extremely large award in comparison to the other counties. In other words, venue shopping by lawyers was very common. That practice made our state a less attractive place for new physicians to start a practice. Our state does not need to live through that medical trauma again. It limits patient caretaker physicians away. If this rule is adopted, I believe history would be repeated and that is a history that should not rear its head again. Rule 1006, reasonably and thoughtfully limited venue shopping in medical professional liability cases. This is one of many changes both the Court and the General Assembly made in order to bring rationality to the medical liability system.

We respectfully ask the Court to reject the proposed change in Rule 1006 because it will create an imbalance in the medical professional liability insurance market which will likely increase the cost paid by physicians. More fundamentally, this change will reverse a fair and rational rule which ended venue shopping by requiring the alleged action to be initiated in the county where it took place. The healthcare landscape currently needs more physicians across all specialties. Pennsylvania is in constant competition to recruit and retain the best and the brightest physicians. This rule reversal sends the wrong message to physicians choosing to reside in Pennsylvania and treat Commonwealth patients and may drive them elsewhere.

Thank you for your time in reviewing our opposition and for consideration to reject amending Rule 1006. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Joan Grzybowski, DO
POMA President