



Suburban
Hospital Alliance
of New York State, LLC

OPPOSITION MEMO

Date: May 15, 2023
To: Members of the Hudson Valley & Long Island Assembly Delegations
From: Wendy Darwell, President & CEO
Re: A.6698/S.6636 – Assembly Judiciary Committee Agenda, May 16

The Suburban Hospital Alliance of New York State, representing hospitals and health systems on Long Island and in the Hudson Valley, opposes A.6698/S.6636, legislation that would vastly inflate medical malpractice premiums by expanding the kinds of damages recoverable in a wrongful death suit as well as the pool of potential claimants in such suits.

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. Measurable damages like medical expenses and lost earnings are awarded to those who would suffer such losses or incur these expenses. The beneficiaries of the deceased individual's estate may also be compensated for non-economic damages through a survivorship cause of action. The proposed legislation would extend the statute of limitations for filing wrongful death suits and make a long list of family members – not just estate beneficiaries – eligible for pain and suffering awards.

While we agree that the statute needs updating, such an effort must balance the legitimate needs for compensation of close family members against access to and affordability of healthcare and other essential services for all New Yorkers.

In enacted, A.6698/S.6636 will result in an extraordinary increase in medical malpractice premiums. According to an analysis conducted by Milliman, an independent actuarial firm, the bill passed by the Legislature in 2022 would result in an **increase in premiums of more than 45 percent**. In her veto message, Governor Hochul specifically referenced how this unfunded mandate cannot be reasonably absorbed by healthcare providers. Although the bill has been modestly amended in 2023, we do not believe that it mitigates the financial burden on policyholders to any significant extent.

Healthcare providers in the suburban regions already pay some of the highest premiums in the nation. Premium increases of the magnitude estimated by Milliman will most assuredly drive providers out of the state and limit access to care. **The Suburban Hospital Alliance joins other provider associations, municipal governments and business leaders in urging the Legislature to defer action until an independent entity can fully assess the impact of the amended bill.**