

Sample Resolution

Requesting the State of West Virginia, in cooperation with key stakeholders and other policymakers, to address the current medical liability insurance environment in the State.

WHEREAS, health care is experiencing a crisis that threatens access to health care services across West Virginia; and,

WHEREAS, this crisis not only involves low reimbursement rates from governmental payors like Medicaid and the Public Employees Insurance Agency (PEIA), along with looming health care workforce shortages, but also the availability and affordability of medical liability insurance; and,

WHEREAS, physicians and hospitals across West Virginia have been experiencing double and even triple digit increases in liability premiums; and,

WHEREAS, these premium increases have led to non-renewals, with hundreds of physicians who have practice privileges at West Virginia hospitals being notified that they would not have their liability insurance renewed; and,

WHEREAS, this situation has escalated to the point where physicians have begun looking at the feasibility of relocating their practice out of State (in some cases to bordering states), have sought to reduce their privileges at West Virginia hospitals or have taken early retirement; and,

WHEREAS, access to certain kinds of medical services is the major threat to the citizens of West Virginia, affecting patients statewide seeking such services as obstetrics, neurosurgery and orthopedics; and,

WHEREAS, a number of hospitals across the State also report that because of high premium increases, many

physicians have elected to scale back the scope of their practice in order to limit their liability risk, resulting in certain kinds of procedures being unavailable in some communities; and,

WHEREAS, members of (INSERT ORGANIZATION) find that the responsibility to improve the medical liability insurance climate in West Virginia rests not only with key stakeholders but also with state government leaders; and,

WHEREAS, these entities can together devise a finite solution to address the current medical liability climate in West Virginia; and,

WHEREAS, (INSERT ORGANIZATION) finds that any solution should meet the objective of enhancing the availability and affordability of liability insurance coverage for physicians and hospitals at the same time ensuring access to key health care services; and,

WHEREAS, (INSERT ORGANIZATION) further finds that the solution should also make West Virginia more attractive to both physicians as well as the commercial insurance market; and

WHEREAS, this strategy includes the enactment of several medical liability reforms including but not limited to: limiting medical professional liability actions to those within the physician-patient relationship; tightening requirements for experts by requiring that the experts devote three-fourths of their time to the active clinical practice in their relevant field; limiting liability on non-economic loss to \$250,000; eliminating joint and several liability in favor of several liability with each defendant responsible only for damages in proportion to their degree of fault; provisions for consideration of collateral source payments; establishment of a procedure

for periodic payments for future damages above \$100,000;
and consumer safeguards for attorney contingency fee
arrangements, be it

Resolved by (INSERT ORGANIZATION):

That the State of West Virginia, in cooperation with
key stakeholders and other policymakers, is hereby
requested to address the current medical liability
insurance environment in the State by passing meaningful
medical liability reform that will ensure all citizens of
West Virginia continue to have access to health care
services.