

August 3, 2020

STATEMENT TO THE JOINT PUBLIC HEARING ON RESIDENTIAL HEALTHCARE FACILITIES AND COVID-19

Distinguished members of the New York State Senate and Assembly, thank you for the opportunity to provide testimony on residential healthcare facilities and COVID-19.

I am the executive director of the Lawsuit Reform Alliance of New York (LRANY), a nonpartisan organization that advocates for balance in the civil litigation system. I also serve on the advisory board of the Progressive Policy Institute's Center for Civil Justice.

Even as the COVID-19 infection rate has come under control, this pandemic is far from over. Unfortunately, the legislature has already passed legislation to narrow the healthcare liability protections passed just a few short months ago, it is important to remember the need for these protections, and the ongoing threat of the coronavirus.

At the outset of this pandemic, the members of this body enacted meaningful liability protections for doctors, hospitals, and nursing homes. During those same months, New Yorkers across the state stepped out of their homes daily to salute and applaud our medical workers serving on the frontlines. By removing some of those protections, lawmakers are effectively throwing those same frontline medical workers to the wolves. This is why I am calling on Governor Cuomo to veto S8835.

Lifting the legal protections provided to our doctors, hospitals, and nursing homes would undoubtedly result in a flood of speculative civil suits against our medical professionals and facilities. Win or lose, lawsuits drastically divert internal resources from critical medical care to the pressing demands of profit-driven lawyers, even as the risk of the coronavirus remains high. Further, the mental and emotional toll of a single lawsuit could dramatically limit our medical professionals' ability to provide care. As well, many of these actions will be underwritten by litigation financiers and investment funds looking to cash in on the crisis.

While the pandemic has waned in New York, our hospitals and nursing homes are still reeling. There are still massive PPE shortages. Staffing is still difficult as many employees worry about the risk to themselves and their families. The virus still rages in other parts of the country.

In March, New York was [listed as the "worst state for doctors"](#) and liability is usually the number one reason for this demeaning designation. As recently [reported in Crain's New York Business](#), data released by medical liability insurer Deiderich Healthcare found that New York shelled out more in medical liability payouts than any other state – to the tune of \$661.7 million in 2019 – and more per capita than any other state except Alaska. Repealing these protections would only make matters worse.

Until there is a vaccine, until this pandemic is over, we need to protect our frontline workers, hospitals, and nursing homes. Shielding medical professionals from liability will ensure they can continue to do their jobs without the looming specter of lawsuits and litigation.

Thank you for your consideration.

Sincerely,



Tom Stebbins
Executive Director
Lawsuit Reform Alliance of New York