



TO: All Honorable Members of the Senate Judiciary Committee

FROM: Samuel Denisco, Vice President, Government Affairs

DATE: February 4, 2019

RE: Senate Resolution 20

On behalf of the PA Chamber of Business and Industry, I respectfully ask for your support of SR 20 which the Judiciary Committee is scheduled to vote off the floor today. The Resolution asks the PA Supreme Court to delay the consideration of an ill-advised procedural rule change and directs the LBFC to conduct a study on medical malpractice filings post 2002 reforms.

The issue of access to quality medical care came front and center over a decade ago. Then, the General Assembly enacted the MCare Act which aimed to address many issues including a judicial procedural rule that had been resulting in an inordinate amount of medical malpractice claims being filed in certain counties. MCare included a provision that created a commission to study venue. That commission issued a thorough report which the PA Supreme Court used in adopting a new court rule that provided for the filing of medical malpractice claims only in the county where the cause of action arose. By all accounts including official court data, this rule has resulted in the equitable filing of such claims throughout the state.

Just before the new year, the PA Supreme Court proposed to return to the “pre MCare” venue rule with little justification. We urge this committee to acknowledge that this is a very serious issue that at the time received careful deliberation by the Legislature, an independent statutorily created commission and the Court. The PA Chamber would like that same thorough consideration be given at this time through the charges of this resolution and ask for your support.