

January 2018



Expansion of Medical Malpractice Statute of Limitations

S 6800 by Senator DeFrancisco, a bill that would modify and expand the statute of limitations in cases of negligent failure to diagnose a malignant tumor or cancer, was sent to the Governor Cuomo on December 29 and is the last remaining 2017 bill to be considered by him for approval or veto. By law, the governor has 30 days to act on the bill. MLMIC continues to strongly oppose this bill in close cooperation with its doctor and hospital partners and is urging a veto by the governor.

MLMIC Affirmative Legislative Agenda

MLMIC continues to be a major proponent of tort reform. Consistent with this advocacy, we are supporting legislation in three specific areas:

- Impose a cap on pain and suffering awards of \$250,000 in all medical malpractice cases.
- Establish earlier and more effective discovery of expert witnesses in medical malpractice lawsuits.
- Strengthen the current certificate of merit process used in medical malpractice cases.

Governor's 2018-19 NYS Proposed Executive Budget

Governor Cuomo has just released his \$168.1 billion executive budget, which will serve as the basis for the final state budget. This proposed budget contains three items of interest to the NYS medical malpractice market.

- First, the executive budget includes a one-year extension of the Department of Financial Services (DFS) Superintendent's authority to "set and establish" primary and excess rates for physician and surgeon medical malpractice insurance.
- Second, the proposed budget also contains a one-year extender of the Physician's Excess Medical Malpractice Program, commonly known as the "Section 18 Program," and a status quo proposed appropriation of \$127.4 million to fund the Section 18 Program.
- Third, the executive budget supports the NYS Medical Indemnity Fund (MIF) with a proposed appropriation of \$52 million, a significant increase from last year's appropriation of \$16.9 million. ▲

Questions? Email mcraw@fakslaw.com