



Message Diamond

Key Message:

The cap on medical malpractice awards protects the health, safety and welfare of patients by ensuring the availability of health care providers and the adequacy of health services in Virginia. The cap has effectively stabilized malpractice premiums and attracted insurers to the state, helping keep physicians in Virginia. Further increases to the cap are not warranted.

Proof Points:

- The cap provides juries the flexibility to grant patients larger awards when necessary while preventing inappropriately excessive awards. Data shows the cap is at a level that can accommodate the relatively few serious cases that do arise. According to the Virginia Board of Medicine, in 2005, of 321 claims, only nine settlements or verdicts exceeded 1.5 million. In 2006, five. In 2007, only four.
- Patients are protected further through provisions in Virginia law and certain exemptions to the cap legislation. For example, the cap does not apply in cases of gross negligence. And in cases where the mother and child are injured, each is eligible for an award up to the cap. Virginia also has a program that provides funding for lifetime care to eligible injured infants.
- Patients, particularly in rural areas, could find it difficult to access certain types of physicians if the cap is increased. In the 1970s, when there was no cap, malpractice insurers increased rates and some even choose not to insure Virginia health care providers, reducing the number of health care providers who are able to serve Virginia's patients.

Key Message:

In order to protect patients and ensure a robust health care environment in the Commonwealth, Virginia's physicians strongly encourage the General Assembly to continue to support the medical malpractice cap in its current form with no increases.

