



MEDICAL SOCIETY OF VIRGINIA



VIRGINIA HOSPITAL  
& HEALTHCARE  
ASSOCIATION

An alliance of hospitals and health delivery systems



February 24, 2011

The Honorable Robert F. McDonnell  
Governor of Virginia  
P.O. Box 1475  
Richmond | Virginia | 23218

Dear Gov. McDonnell,

Our organizations representing Virginia's physicians, hospitals and health systems, and the plaintiff's trial bar, respectfully request your support of legislation passed by the General Assembly to stabilize the medical malpractice cap and protect certain documents from discovery in litigation proceedings. The Medical Society of Virginia (MSV), the Virginia Hospital and Healthcare Association (VHHA) and the Virginia Trial Lawyers Association (VTLA) support HB 1459 and SB 771 which will increase Virginia's medical malpractice cap gradually over the next 20 years, as well as HB 2373 and SB 1469 which address concerns raised about what information the peer review privilege extends to after the Virginia Supreme Court's 2006 ruling in the *Johnson v. Riverside* case.

Following the direction of Del. Dave Albo and Sen. Henry Marsh in 2009, our organizations met repeatedly to discuss the possibility of finding a long-term solution to Virginia's medical malpractice cap. In the fall of 2010, we reached the agreement on the malpractice cap that was introduced as legislation by Del. Albo in HB 1459 and Sens. Dick Saslaw and Tommy Norment in SB 771. Under HB 1459 and SB 771, the medical malpractice cap will rise incrementally, providing improved compensation for injured patients and needed certainty for physicians and hospitals.

As the 2011 General Assembly session got underway, legislators encouraged us to address the issues raised by *Riverside*. Our representatives met in good faith early in the session and were able to arrive at an agreement that resulted in Del. Chris Peace's HB 2373 and Sens. Saslaw and Norment's SB 1469. These bills clarify which documents are discoverable and which are not, thereby protecting the process by which patient safety can be improved.

These four bills provide protections for patients throughout the Commonwealth and promote access to quality health care. The stable medical liability climate fostered by these bills will help ensure that physicians and hospitals can provide the care patients need. These bills also advance Virginia's attractiveness to those businesses and employers seeking to locate in a state with a sufficient and stable medical and health care community.

We appreciate your support of these bills which were passed with strong bipartisan support by the General Assembly. We look forward to the benefits they will provide to all of Virginia.

Sincerely,

Cynthia C. Romero, M.D., FAAFP  
President  
Medical Society of Virginia

Laurens Sartoris  
President  
Virginia Hospital and Healthcare  
Association

Jack Harris  
Executive Director  
Virginia Trial Lawyers Association