

Pennsylvania Senate Report on the Anticipated Impact of the Proposed Repeal of the Medical Malpractice Venue Rule Delayed by One Month

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In late December 2018, the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania announced a proposal to rescind the medical malpractice venue rule which, for the past 16 years, has required all medical malpractice actions to be brought in the county in which the cause of action arose.

This announcement provoked strong opposition from those in state government and the healthcare field who recall the Pennsylvania healthcare crisis of the early 2000s. Prior to the implementation of tort reform, including enactment of the medical malpractice venue rule, costly medical malpractice litigation was impairing the ability of Pennsylvania healthcare institutions to provide quality healthcare to patients at a reasonable cost. Because any change to the medical malpractice venue rule could have severe consequences for all Pennsylvanians, within weeks of the Civil Procedural Rules Committee's announcement, the Pennsylvania Senate passed a resolution directing the Legislative and Budget Finance Committee to conduct a study on the impact of the proposed venue rule repeal. In a rare step, the Supreme Court formally announced that it would defer any action on the proposed venue rule repeal until after it had the opportunity to review the Senate Committee report.

The Senate Committee report was originally due on January 1, 2020, but has now been delayed an additional month. The report is currently expected to be publicly released on February 5, 2020. The Senate Judiciary Committee will receive a confidential draft of the report approximately one week prior to its public release.

We expect the debate regarding the proposed venue rule repeal to heat back up as soon as the Senate Report is made public and all stakeholders are encouraged to make their voices heard. If you would like our assistance or additional information regarding this issue, please contact Daniel Ferhat (dferhat@whiteandwilliams.com; 215.864.6297), Joshua Gajer (gajerj@whiteandwilliams.com; 215.864.6837) or another member of the Healthcare Group.

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