

Pennsylvania Senate Urges Supreme Court to Delay Considering Repeal of Venue Rule in Medical Professional Liability Cases Pending Further Study

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Healthcare Alert

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The proposal by the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania to repeal the medical malpractice venue rule, Pa. R. Civ. P. 1006(a.1), which requires medical malpractice actions to be brought in the county in which the cause of action arose, has generated significant opposition by healthcare providers, the insurance industry and the defense bar. The haste with which the Civil Procedural Rules Committee has sought to send the proposal to the Supreme Court for consideration is particularly worrisome to many throughout the Commonwealth, including the Pennsylvania Senate.

Although the medical malpractice venue rule was one of the key measures adopted to address a statewide healthcare crisis in 2003, the Committee cited "[d]ata compiled by the Supreme Court on case filings on medical professional liability actions" as evidence that the medical malpractice venue rule "no longer appears warranted." See 48 Pa.B. 7744.

On February 5, 2019, the Pennsylvania Senate passed a resolution expressing doubt as to whether the Supreme Court actually has enough data to assess the impact of the Civil Procedural Rules Committee's proposal to repeal the medical malpractice venue rule. By a vote of 31-18, the Senate directed the Legislative Budget and Finance Committee to conduct a study of the impact of the medical malpractice venue rule and its proposed repeal. The Senate further requested that the Supreme Court delay action on the proposed repeal of the rule until after the study is completed. The Senate asked that the study be completed no later than January 1, 2020.

The deadline for submitting formal comments or objections to the Civil Procedural Rules Committee is February 22, 2019. It is unclear what, if any, effect this Senate resolution will have on the deadline or whether the Supreme Court will delay any action in response to the Senate resolution. White and Williams LLP is coordinating efforts amongst various defense organizations and medical societies in advance of the February 22, 2019 deadline. Because we understand how important this issue is to every healthcare provider in the Commonwealth, we remain ready and able to assist in drafting a comment in opposition to the proposed amendment for the Committee's consideration.

If you would like our assistance or additional information regarding this issue, please contact Kim Kocher (kocherk@whiteandwilliams.com; 215.864.6332), Joshua Gajer (gajerj@whiteandwilliams.com; 215.864.6837) or another member of the Healthcare Group.

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