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Dear Governor Hochul,

As a physician having practiced the specialties of surgery and emergency medicine throughout the state of New York, I am urging you to **veto Senate bill S74A**. While this bill certainly will benefit grieving families, as currently written, I believe it **threatens health care services across our state**. While the Grieving Families Act may be well intentioned, I feel the bill has several flaws that must be addressed. For example, the language in S74A is far too vague about who is eligible to recover damages in wrongful death claims and the types of losses and damages for which plaintiffs may receive compensation. In addition, it lacks important payout caps adopted by many of the nearly 40 other states with these types of laws.

Without these stipulations, the bill will adversely affect the availability and affordability of medical professional liability insurance in New York. **Inevitably, this will directly harm patients themselves by not only increasing the costs of their medical care but also by increasing their health insurance premiums as well.** This will cause serious damage to health care access in our state, where more than 30 hospitals already need extraordinary financial assistance from the state just to sustain patient care services.

Specifically, S74A in its current form will:

- prompt even more doctors, nurses and health care professionals to leave New York, exacerbating an already significant employment crisis.
- significantly increase financial strain on hospitals and medical practices, which continue to deal with considerable pandemic-related struggles.
- place untenable financial burden on individual physicians and other providers—the very same health care heroes who have endured so much throughout the pandemic; and
- lead to hospital, emergency room, primary care and urgent care closures.

These consequences will severely impact all providers but will have most significant adverse effects for safety net care providers in underserved communities, placing those with below average access to quality care at risk and compromising the social equity the bill's proponents seek to achieve through legislation.

At a time when the entire healthcare community as well as all New York State taxpayers are undoubtedly facing a marked increase in costs for the inevitable and necessary provision of healthcare services for thousands of new immigrants arriving in our state, Senate bill S74A threatens to add an additional and potentially catastrophic economic burden to healthcare in New York State.

As you well know, New York is already by far the costliest state in the nation for medical liability. According to Diederich Healthcare's "2020 Medical Malpractice Payout Analysis," **New York was the clear leader in medical malpractice payouts in 2019 with a total of \$661,703,250 in payments.** The second highest state, Pennsylvania, had a payout total that exceeded \$260 million **LESS THAN** New York. In fact, New York's payouts exceeded all medical malpractice payouts made in the entire Midwest region of the U.S.

More time is needed to make the bill more balanced and equitable. A veto from you offers the legislature the opportunity to clarify ambiguous elements in S74A and bring New York into alignment with other states that have applied necessary and reasonable restrictions to similar legislation.

Without this important pause, the bill will reverse the state's current investments in its health care workforce, threaten retention and growth in this sector of our economy and harm New Yorkers across the state by jeopardizing access to vital health care services.

Governor Hochul, I am respectfully asking you to **veto Senate Bill S74A** on behalf of **ALL** New Yorkers. And I thank you for your consideration,

Sincerely,

Sheila C. Bushkin, MD, MPH