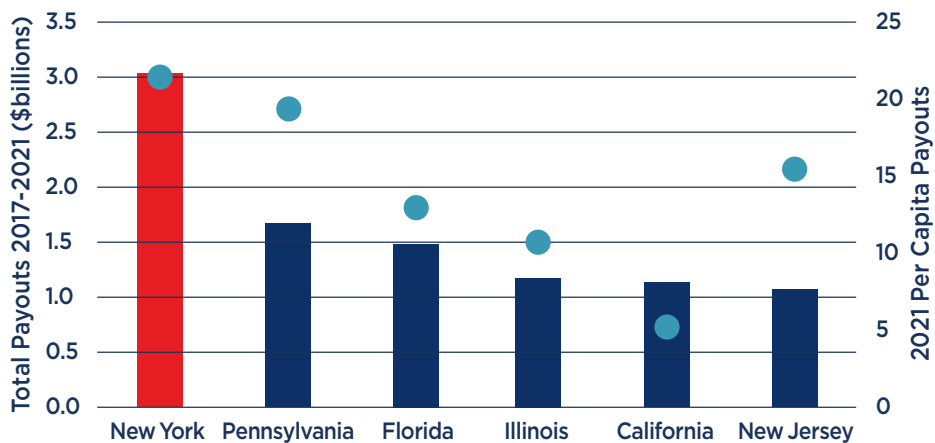


Adding New Damages to NY Wrongful Death Lawsuits will Increase Already High Health Care Costs and Lead to Fewer NY Physicians and Hospitals.

Medical Liability Payouts by State¹



As shown by the graph above, New York already leads the nation in medical liability payouts and has for over ten years. As a result, New York lags behind other states in the ability of doctors to practice medicine. According to a March 20, 2023 study by Wallethub², New York's annual average wage for physicians is among the lowest in the U.S.. Note that Wallethub adjusted the average annual wage of physicians by the applicable cost of living. New York also has fewer hospitals per capita compared to other states. One factor Wallethub cited for these substandard medical conditions is the high level of medical malpractice payouts and extremely high medical liability insurance rates.

S74A/A6770, which passed the Legislature in 2022, would greatly increase damages in wrongful death lawsuits, expand the class of persons who could sue, and allow more time for people to sue. The Governor vetoed this bill in early 2023 (Veto #192 of 2022³). Supporters of

the vetoed bill have vowed to bring back the legislation, whether in the same form as last year or with some modifications. No matter how the new 2023 bill is fashioned, any expansion of damages will still lead to the harmful consequences outlined by the Governor in her veto.

As stated in Veto #192, "it is reasonable to expect that the bill as drafted, would ... further strain already-distressed healthcare workers and institutions. The increased costs would be particularly challenging for struggling hospitals in underserved communities."

For these reasons, LRANY urges that a comprehensive study of the impacts of any potential changes to NY's wrongful death law be undertaken by the Legislature and Governor and this study must include consideration of policy and legislation that would at least partially offset any increased costs created by an expanded wrongful death statute.

1. <https://www.diederichhealthcare.com/med-malpractice-payout-analysis-2022/>
2. <https://wallethub.com/edu/best-and-worst-states-for-doctors/11376>
3. https://lewisbrisbois.com/assets/uploads/files/Grieving_Families_Act_Veto.jpg