

October 23, 2023

Honorable Kathy Hochul  
New York State Governor  
State Capitol, Executive Chamber  
Albany, NY 12224

Dear Governor Hochul:

We are writing to you as representatives of tens of thousands of physicians providing vital health care to millions of New Yorkers for the purpose of asking you to veto A.6698/S 6636, which as you know would greatly increase damages awarded in successful wrongful death medical liability lawsuits through allowing recovery of damages to a surviving family member for their "grief or anguish". Our reason for seeking a veto of this legislation is because the bill would have a devastating negative impact on our New York patients' health care.

Many if not most of our counties face significant shortages of needed physicians of various specialties. The enormous cost of this legislation will make it even harder to attract physicians to help meet our patients' needs, particularly those in underserved areas. We thank you for recognizing these concerns and vetoing a nearly identical version of this legislation earlier this year.

A July 2022 actuarial report, which confined its analysis to the impact of the addition of non-economic "grief or anguish" damages in New York wrongful death cases would have on medical liability premiums, found that these damages would result in an increase of New York medical liability premiums by nearly 40%. It must be noted that the 2022 actuarial study based its finding of a possible 40% increase in medical liability premiums almost exclusively on the additional damages that would be awarded for grief or anguish.

It bears repeating that New York already leads the nation in medical liability payouts and has for over ten years, see <https://www.diederichhealthcare.com/med-malpractice-payout-analysis-2022/>. Furthermore, a March 20, 2023 study by Wallethub (see <https://wallethub.com/edu/best-and-worst-states-for-doctors/11376>) determined that New York's annual average wage of physicians is among the lowest in the U.S. when adjusted to account for applicable state cost of living. New York also has fewer hospitals per capita compared to other states. Wallethub noted two factors contributing to the substandard New York medical environment are the high level of medical malpractice payouts and extremely high medical liability insurance rates.

Adding a 40% increase in medical liability costs to New York's already nation-leading medical liability costs will only lead to more physicians leaving the state, which harms New Yorkers who need medical care as they will not be able to access care in a timely manner. Medical care will also inevitably suffer as fewer physicians will be treating more patients, financially stressed health care facilities may face no choice but to close or reduce services due to these excessive costs and inadequate needed staff due to lack of sufficient funds.

We are ready and willing to work with the Legislature and the Governor to seek balanced legislation to ensure adequate legal remedies for grieving families while also balancing the need for mechanisms in our civil justice system to recognize the interests of defendants in a fair and reasonable adjudication structure that does not result in excessive damage awards.

Respectfully submitted,

**MEDICAL SOCIETY OF THE COUNTY OF ALBANY  
BRONX COUNTY MEDICAL SOCIETY  
BROOME COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF CATTARAUGUS  
CAYUGA COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF CHAUTAUQUA  
MEDICAL SOCIETY OF THE COUNTY OF CHEMUNG  
CHENANGO COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF CLINTON  
CORTLAND COUNTY MEDICAL SOCIETY  
DELAWARE COUNTY MEDICAL SOCIETY  
DUTCHESS COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF ERIE  
MEDICAL SOCIETY OF THE COUNTY OF FRANKLIN  
MEDICAL SOCIETY OF THE COUNTY OF GENESEE  
MEDICAL SOCIETY OF THE COUNTY OF HERKIMER  
JEFFERSON COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF KINGS  
MEDICAL SOCIETY OF THE COUNTY OF LIVINGSTON  
MADISON COUNTY MEDICAL SOCIETY  
MONROE COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF MONTGOMERY  
NASSAU COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF NIAGARA  
NEW YORK COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF ONEIDA  
ONONDAGA COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF ONTARIO  
MEDICAL SOCIETY OF THE COUNTY OF ORANGE  
MEDICAL SOCIETY OF THE COUNTY OF ORLEANS  
MEDICAL SOCIETY OF THE COUNTY OF OSWEGO  
OTSEGO COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF QUEENS  
PUTNAM COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF RENSSELAER  
RICHMOND COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF ROCKLAND  
MEDICAL SOCIETY OF THE COUNTY OF ST. LAWRENCE  
SARATOGA COUNTY MEDICAL SOCIETY**

**MEDICAL SOCIETY OF THE COUNTY OF SCHENECTADY  
MEDICAL SOCIETY OF THE COUNTY OF SCHOHARIE  
SCHUYLER COUNTY MEDICAL SOCIETY  
SUFFOLK COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF SULLIVAN  
TOMPKINS COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF ULSTER  
WARREN COUNTY MEDICAL SOCIETY  
WAYNE COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF WASHINGTON  
WESTCHESTER COUNTY MEDICAL SOCIETY  
MEDICAL SOCIETY OF THE COUNTY OF WYOMING  
MEDICAL SOCIETY OF THE STATE OF NEW YORK**