



OREGON HOUSE REPUBLICAN OFFICE

For Immediate Release
Wednesday, February 10, 2016
Contact: Preston Mann, 503-986-1009
preston.mann@state.or.us

House Democrats Rush Through Legislation Benefitting Trial Lawyers, Harming Rural Medical Providers

HB 4136 Triples Cap On Noneconomic Damages Related To Civil Injury Lawsuits

Salem, OR - Today, House Democrats voted to triple the cap on noneconomic damages related to civil injury lawsuits. HB 4136, a top priority for the Oregon Trial Lawyers Association, increases the cap on noneconomic damages from \$500,000 to \$1,500,000, meaning trial attorneys stand to make as much as triple the amount of money they currently receive for their work on civil injury cases. By raising the cap by 200%, the legislation is likely to lead to significant increases in health care provider premiums and jeopardize the viability of rural medical centers.

"This is not about putting a price on a life because, frankly, I believe all life is priceless," said House Republican Leader Mike McLane (R-Powell Butte). "I am opposed to this measure because it puts rural medical providers at risk. I'm worried that this legislation will increase costs for doctors and physicians and make it more difficult for Oregonians in our rural communities to access critical health care services. That is a chance I am not willing to take."

Raising the noneconomic damages cap to \$1.5 million would leave Oregon with one of the highest caps on the West Coast, and has the potential to trigger costly shifts in health care provider liability insurance rates. Rural medical centers, which are already having a difficult time recruiting doctors to work in their communities, will be hit particularly hard by the increase and face a new obstacle in trying to recruit and retain physicians.

"There are a number of unanswered questions related to this bill," said Representative Duane Stark (R-Grants Pass). "I'm disappointed that we did not take the time to analyze the data, find the answers to these questions, and ensure that we are not rushing something through the Legislature that could end up having unintended consequences."

House Republicans also opposed the bill because it contains a retroactivity clause allowing the \$1.5 million cap to be applied to lawsuits filed before HB 4136 takes effect. By subjecting pending lawsuits to a sudden and significant cap shift, the Legislature is unfairly interfering with the judicial process and setting a poor precedent for future lawsuit reform efforts. Additionally, the bill allows for annual cost-of-living adjustments to be determined by the State Court Administrator, further destabilizing liability insurance markets.

Democrats on the House Consumer Protection and Government Effectiveness Committee rejected a Republican [amendment](#) to the bill that would have raised the limit on noneconomic damages in civil injury cases, while maintaining a \$500,000 cap on the amount trial lawyers could bill for attorney fees. The amendment would have ensured that more money ended up in the hands of plaintiffs, rather than lawyers.

[HB 4136](#) passed by a vote of 33-26. The bill now moves to the Senate for further consideration.

###