

THIS IS NOT A DRILL!

Michigan's Medical Liability Laws are at Grave Risk for the First Time in Over 30 Years

[Tell your Lawmakers to Vote NO on HB 6085 and 6086](#)

For years, Michigan's healthcare system faced a liability crisis, with severe shortages of physicians in many critical specialties. Then, with passage of Michigan's tort reform in the early 1990's, crucial stability and predictability was provided for physicians and patients alike, ensuring a fair and balanced legal system while maintaining access to affordable, high-quality care.

Now, the stability of Michigan's healthcare system is once again under threat. Lansing lawmakers are considering changes to Michigan's medical liability laws **during the current lame-duck session**. Changes that would drive up costs, push physicians out of the state, and bring back the chaos and high costs that come with the practice of defensive medicine. **With the legislative session nearing its close, these bills are being rushed forward without proper analysis or debate.**



MI White Coat Rally, October 1985: 10,000 to 12,000 physicians marched on the Capitol in Lansing demanding medical liability reform.

HB 6085 – Expanding Noneconomic Damages Awards

- **Will more than double the cap on noneconomic damages** in medical malpractice cases.
- **Each cap would be applied independently to each plaintiff against each defendant separately** versus the current system of applying the cap per claim of malpractice.
- Add new exemptions to these caps including undefined and subjective terms such as “substantial” disfigurement or “serious impairment of an important body function.”
- **Caps would be waived entirely for physicians who have previously settled medical malpractice claims.**

HB 6086 – Expanding Wrongful Death Act Damages

- **Will allow for additional damages based on the deceased's lost future earning capacity and household services.**
- Allow such damages even in cases when the deceased patient is an un-emancipated minor.
- These changes **intentionally reverse the Michigan Supreme Court's unanimous decision in *Daher v. Prime Healthcare Services-Garden City, LLC***, which held that damages available in cases brought pursuant to the Wrongful Death Act (which include all medical malpractice cases where the patient is deceased) do not include the decedent's lost earnings capacity.

The sponsors of these bills have offered no data or analysis to justify these sweeping changes. However, based on previous experience, **we know this legislation would incentivize litigation and the practice of defensive medicine, unnecessarily burden patients and employers, raise malpractice insurance premiums by approximately 20% and greatly exacerbate Michigan's growing physician shortage.**

Time is of the essence – [physicians need to flood House and Senate offices with emails and calls to oppose House Bills 6085 and 6086](#) – BEFORE they can gain any more traction.

[Contact your legislators:](#) Use a pre-written letter to demand they oppose House Bills 6085 and 6086. Emphasize the risks to Michigan's healthcare system and patients.

Spread the word: Encourage your colleagues to join this critical effort.

Decades of progress hang in the balance. Together, we can prevent a return to the costly, unstable, and unsustainable liability environment Michigan once faced. [Act now—contact your legislators today.](#) Let's protect Michigan's healthcare future.