

PUBLIC COMMENTS

HB 1491

HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE

Hearing Date: March 17, 2021 8:00 AM

Ware Wendell

Texas Watch

Austin, TX

Dear Chairman Leach and Members of the Committee:

Texas Watch is a non-partisan, non-profit citizen advocacy organization that works on a range of public safety issues, including patient safety.

We write today to express our concerns about -- and opposition to -- HB 1491 by Rep. Dean.

Tort "reform" was passed in 2003 on the promise that it would benefit rural healthcare providers. Those promises did not materialize, and rural parts of our state remain underserved. Our organization hears regularly from Texans who have suffered medical malpractice but have no recourse whatsoever because of the overly harsh restrictions imposed by these tort "reforms." The current \$250,000 cap on noneconomic damages leaves some Texas families without the ability to bring a case at all because their economic damages are not large enough to support the litigation costs. This is through no fault of their own; it is rather a function of their wages. Life should be valued beyond the size of our paychecks; it is more precious than that. Our legal system should focus on an examination of wrongdoing, not the relative wealth of the litigants.

By lowering the cap to \$100,000, we fear this legislation will hurt even more Texans with malpractice claims that are deserving of redress. If costs are not allocated appropriately through the civil justice system, those families bear the brunt, and we ultimately end up paying the price as taxpayers through the provision of charity care at county hospitals and social programs like Medicaid.

We agree that rural hospitals need additional support, but we do not believe tort "reform" is sound public policy because of the harmful impact it has on families and our society. For a detailed analysis of the impact of Texas tort "reforms" on patients, please see our "Under the Knife" report at <https://www.texaswatch.org/undertheknife>.

Lowering the cap further will only create more pain for victims. Therefore, we ask you to OPPOSE HB 1491.

Thank you for your consideration of our comments.

Respectfully,
Ware Wendell
Executive Director
Texas Watch