



SAN DIEGO COUNTY
MEDICAL SOCIETY

Annual Legislative Update

Paul Hegyi, CEO

January 2020



SDCMS





- Disclosure
- MICRA: Another Attack
- Legislative Update
- Election Preview
- Odds & Ends

Disclosure

- Own Becton Dickinson stock
- Own Cerner stock



BD

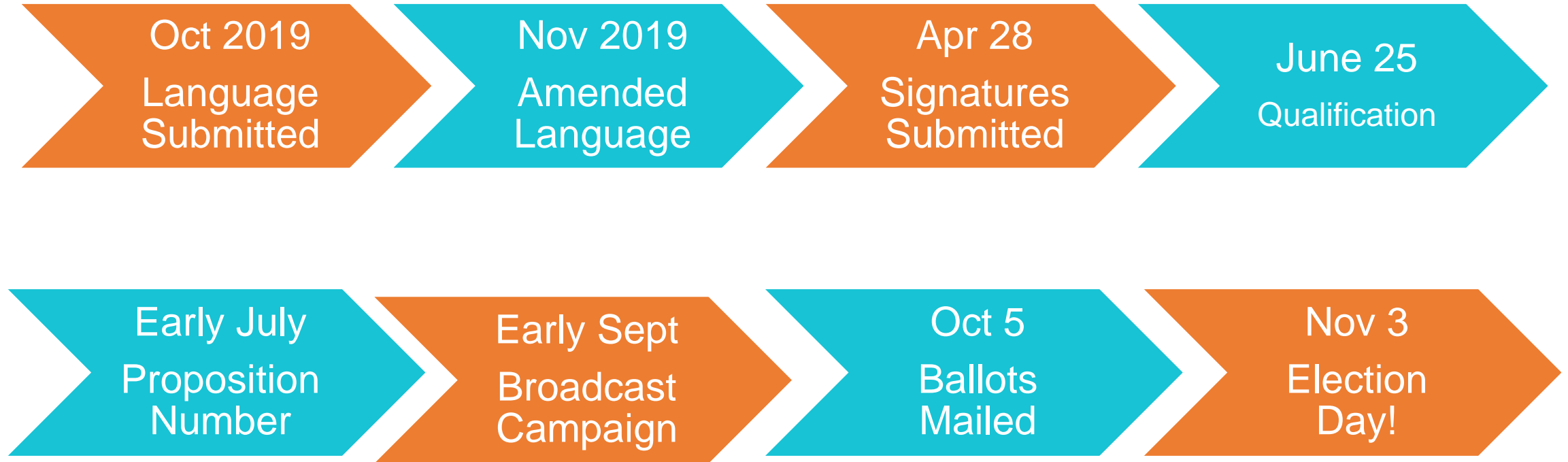
Helping all people
live healthy lives



A medical-themed background featuring a stethoscope, a syringe, and a small bottle on a light blue textured surface. A semi-transparent dark blue banner is overlaid across the middle of the image.

MICRA

Election Timeline



2020 Initiative Decimates MICRA

1. Creates New Category of Injuries with No Cap on Damages or Attorneys' Fees.

The Initiative invents a new type of injuries not currently recognized under California law—catastrophic injuries.

Notwithstanding the cataclysmic-sounding name, the Initiative defines “catastrophic injury” to include typical injuries such as physical impairment, disfigurement, disability, and loss of consortium. The MICRA noneconomic damages and attorneys’ fees caps do not apply to catastrophic injuries, meaning that trial attorneys would be eligible to take as much as half of any award in contingency fees.

2. Increases the MICRA Noneconomic Damages and Attorneys' Fees Limits.

The Initiative increases the MICRA \$250,000 noneconomic damages cap for inflation. This should increase the cap to approximately \$1.2 million. It also adjusts for inflation the attorneys’ fee thresholds under MICRA, meaning that a great portion of MICRA awards will be paid to trial attorneys.

2020 Initiative Decimates MICRA

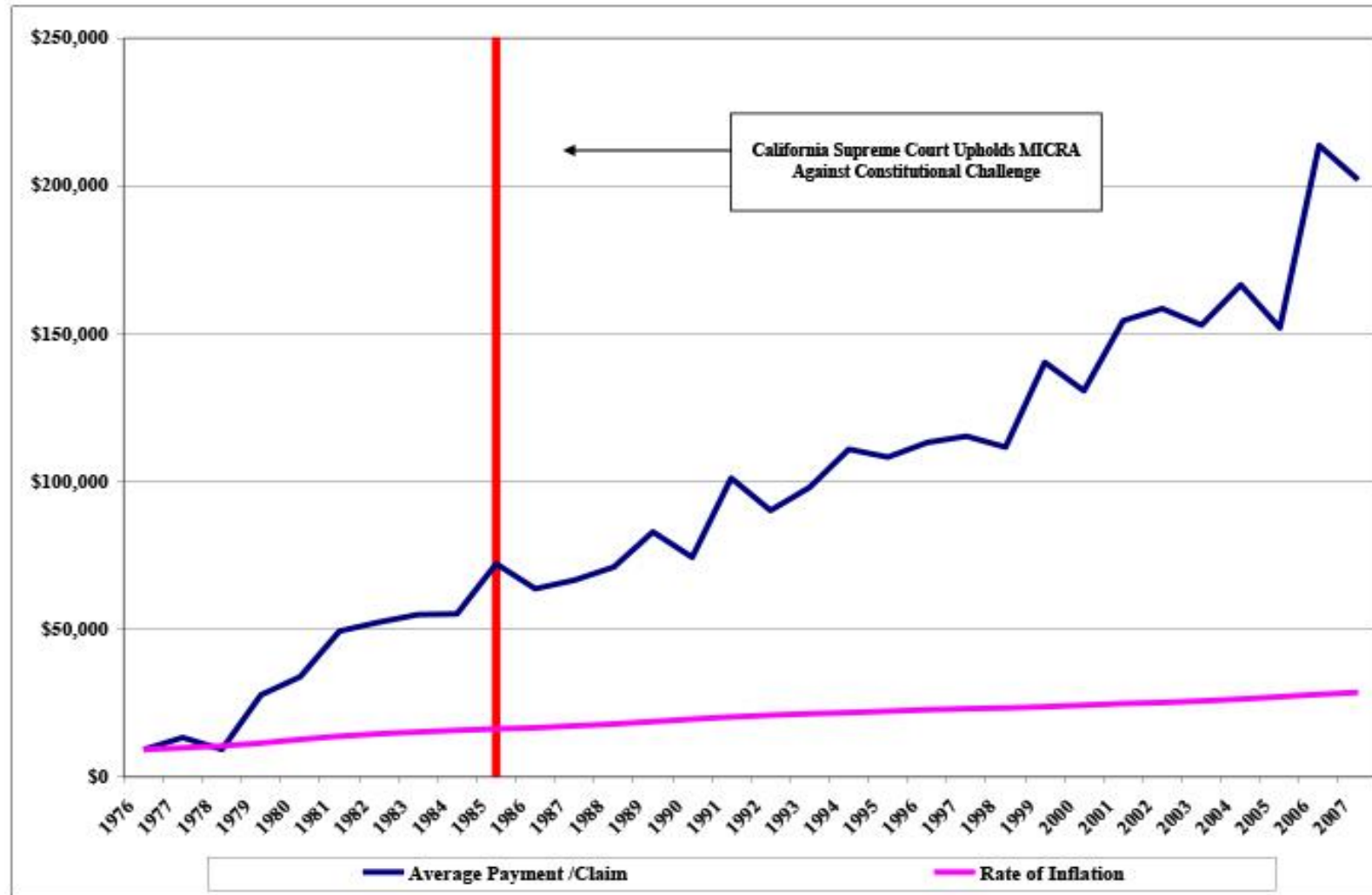
3. Eliminates Collateral Source Rule & Periodic Payments; and Extends Statute of Limitations

The Initiative allows for double-recovery by excluding evidence that a plaintiff has already received compensation from another source; and it takes away the ability of injured patients to be paid over time as their treatment and recovery continue. Both of these changes allow trial attorneys to get paid quicker. Extending the limitations period allows more lawsuits to be filed.

4. Impedes Judicial Oversight of Trial Attorneys

Unlike prior law, the Initiative expressly prohibits judges from independently verifying the truthfulness of statements made by trial attorneys in certain court filings known as “certificates of merit,” and from disciplining them for dishonesty.

MICRA Awards Have Out-Paced Inflation



Why Do Trial Attorneys Hate MICRA?

- Rand Corporation study in 2004:
 - MICRA reduced amounts awarded to injured plaintiffs only 15%
 - MICRA reduced attorney's fees in those cases by 60%
 - Of the estimated savings from MICRA, 2/3 of the savings are from savings in attorney's fees NOT reduced plaintiff awards!!

Meet the NO Campaign



**CALIFORNIA
MEDICAL
ASSOCIATION**



**KAISER
PERMANENTE®**



THE DOCTORS COMPANY



**CALIFORNIA
HOSPITAL
ASSOCIATION**



COOPERATIVE OF
AMERICAN PHYSICIANS



Central Valley Health Network



NORCAL
Mutual Insurance Company.



SDCMS

How You Can Help Protect Patients

- **Contribute \$150 or more** per hospital bed to the CMA Political Education Fund (PEF) – funds will educate physicians, the public and the legislature regarding the importance of MICRA
- **Identify local physician leaders to share their story** via video, social media and/or media interviews
 - Diversity is important: gender, ethnicity, mode of practice, specialty, region and life experience – **funnel potential surrogates to Laura Braden Quigley**
lquigley@cmadocs.org
- **Campaign materials** for patients and waiting rooms can be shipped to you!

Legislation & New Laws



2020 Legislation

- AB 890- Nurse Practitioner Scope of Practice
 - Authored by Asm Jim Wood, DDS (Chair of Health Committee)
 - Removes requirements for physician supervision
 - Under pressure passed out of Assembly
- Federal Medicaid Financing Rule
 - Proposal limits use of matching funds from hospital and managed care fees in fee-for-service

ACT: <https://www.cmadocs.org/grassroots-action-center>

2020 Proposals

- Governor's prescription drug efforts
 - Negotiate bulk purchasing/supplemental rebates
 - State single market
 - California Rx!
- Expand Medi-Cal to uninsured seniors

Healthy California for All

- Coverage & access through a unified financing system, including, but not limited to single payer
- 3 million remain uninsured
- Membership includes CA Nurses Assoc, former head of SD Health, Harvard economists, others

Election Preview



2020: New March Primary

- 50th Congressional District
(Duncan Hunter)
- 53rd Congressional District
(Susan Davis)



2020: New March Primary

- County District 1 (Greg Cox)
- County District 2 (Dianne Jacob)
- County District 3 (Kristin Gaspar)



Odds & Ends



Committees

- Benefits
- Bioethics Commission
- Champions for Health
- Communications
- Delegation
- Emergency Medicine Oversight
- Finance
- GERM Commission
- Legislative
- Membership
- Wellness



**SAN DIEGO COUNTY
MEDICAL SOCIETY**

Thank You
www.sdcms.org