



January 31, 2025

Judiciary Committee

600 East Boulevard Avenue
Bismarck, ND 58505

Subject: Opposition to HB 1349 – Noneconomic Damages Limited

Dear Committee Members,

I am writing to express my strong opposition to HB 1349, which proposes lifting the current cap on non-economic damages in medical malpractice cases. While I understand the intent to provide fair compensation for patients, this bill poses a serious threat to the stability of rural health care systems without providing any significant benefit to our patients or communities. In fact research has provided strong evidence that increased litigation does not increase the safety or quality of health care. (Mello, 2020)

Rural hospitals and clinics already face financial challenges, including workforce shortages and limited resources. Increasing liability costs due to higher non-economic damage awards will likely lead to skyrocketing malpractice insurance premiums. This burden could force rural providers to reduce services, increase patient costs, seek ownership from larger organizations, or even close their doors entirely, leaving already underserved communities with even fewer health care options. Please consider the significant loss of OB services in our rural communities due to litigation costs and concerns. Now apply this service loss to acute care, surgical, or ER services. The results will likely be very detrimental to our population. Furthermore, any actions that adversely affect the lives and work of health care workers will surely lead to more and more professionals choosing to leave their professions. This will enhance the already critical health care worker shortage.

Maintaining reasonable limits on non-economic damages helps ensure that rural health care facilities remain viable, and able to attract and retain essential medical professionals. For these reasons our sister states such as Montana and South Dakota have such caps in place. (Montana Code, 2023) Without these protections, our most vulnerable populations may struggle to access timely and quality care. Health care is a vital service and a noble calling. Please work to protect these services and help ensure that they are available at a reasonable level for generations to come. Finally, the goals put before health care professionals and legislators alike are to ensure available and quality health care and controlled costs to society. This proposed legislation does the opposite in that it does not improve quality, harms availability, and increases costs for society.

I urge you to oppose HB 1349 and support policies that strengthen, rather than weaken, rural health care. Thank you for your time and consideration.

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Sincerely,

Erik Christenson
CEO

References:

Montana Code (2023). Medical Malpractice Noneconomic Damages Limitation. Retrieved from: [25-9-411. Medical malpractice noneconomic damages limitation, MCA](#)

Mello, M.M., et al. (2020). Malpractice Liability and Health Care Quality: A Review. *JAMA*. Jan 28;323(4):352-366.