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February 1, 2025

**Judiciary Committee**

600 East Boulevard Avenue  
Bismarck, ND 58505

**Subject: Opposition to HB 1349 - Noneconomic Damages Limited**

Dear Committee Member,

I am writing to express my strong opposition to House Bill 1349 (HB 1349) and urge you to vote against it. After reviewing the contents of the bill, I have several concerns that I believe should be addressed before any further action is taken.

I am an associate dentist in Rugby, ND. This is a rural community with two dentists and a critical access hospital with several medical providers.

My concerns with HB 1349 include:

1. **Concern #1:** Decrease in providers in an already underserved community.
  - The proposed changes could have serious negative consequences on rural communities. Research has shown that non-economic damage caps increase the supply of young, high-risk physicians. (Pesko et al., 2017) By removing these malpractice limits, it would further remove access to care in communities that are already underserved.
2. **Concern #2:** Increase in malpractice premiums.
  - The increase in malpractice premiums may lead to providers relocating to states that have non-economic damage caps in place. Instead of helping compensate patients for injuries, it would punish providers who were not negligent. (Localio et al., 1991) This would once again increase the need in already underserved communities.

Furthermore, I believe we can find alternative approaches that could address the intended goals of HB 1349 without the negative consequences I outlined.

In conclusion, I urge you to oppose HB 1349. I believe that through careful consideration and constructive dialogue, we can find solutions that will better serve our community.

Thank you for your time and attention to this important matter.

Sincerely,



Hannah Brossart, DDS

1. Pesko MF, Cea M, Mendelsohn J, Bishop TF. The effects of malpractice non-economic damage caps on the supply of physician labor: Heterogeneity by physician age and risk. *International review of law and economics*. June 2017. Accessed February 1, 2025. <https://pmc.ncbi.nlm.nih.gov/articles/PMC5675024/>.
2. Localio AR, Lawthers AG, Brennan TA, Laird NM, Hebert LE, Peterson LM, Newhouse JP, Weiler PC, Hiatt HH. Relation between malpractice claims and adverse events due to negligence. Results of the Harvard Medical Practice Study III. *N Engl J Med*. 1991 Jul 25;325(4):245-51. doi: 10.1056/NEJM199107253250405. PMID: 2057025.