

PROTECT HEALTH CARE ACCESS IN NORTH DAKOTA, VOTE NO ON HB 1349

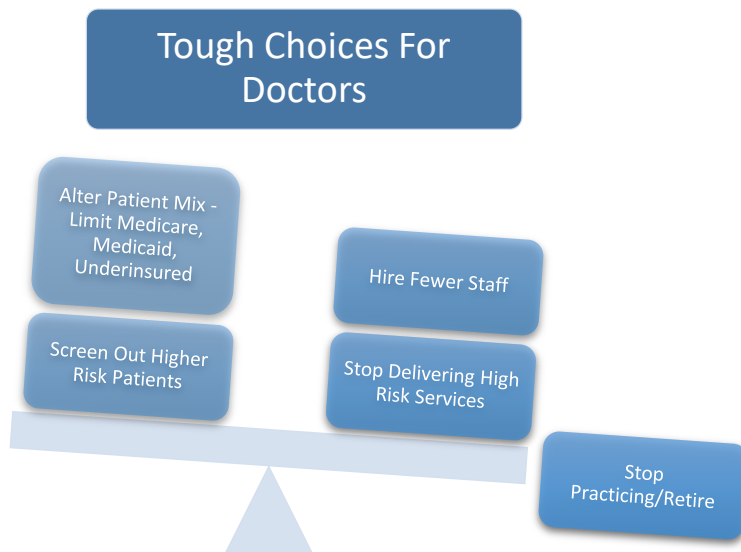
House Bill 1349 would make North Dakota's non-economic damages cap the highest in the country!

It threatens citizens' access to healthcare by destabilizing the cost to deliver care, making it unaffordable for physicians to provide high risk specialty care, especially in rural and underserved areas, and further challenging recruitment of new physicians to the state.

Threat To Healthcare Access

North Dakota's elected officials established tort reforms, like caps, in the 1990s to strike a balance between maintaining access to care, i.e. keeping and attracting providers, and ensuring that patients are compensated when an adverse event due to negligence does occur.

In studies of physicians facing the elimination or significant increase in caps, doctors have stated that they would:



Higher Costs

Non-economic damage caps have proven effective toward that balance by controlling excessive settlement costs, which in non-capped states have contributed to the increase of the overall cost of health care.

- On average, states with NED caps <\$500k save nearly \$900 per capita in healthcare costs compared to states with no cap.
- According to a Forbes 2020 study on healthcare spending, the removal of caps on damages would cost states an estimated additional \$4.68 billion in healthcare costs per year. ([Medical Malpractice Cases by State Forbes 2023](#))

Economic Damages **UNLIMITED**

- They are measurable and quantifiable.
- Common examples of compensation are past and future medical bills, wages, lost benefits, the value of domestic services, home and vehicle modifications, physical and mental therapy, and loss of employment or business.
- Economic damages are unlimited in the state of North Dakota.

Non-Economic Damages **LIMITED**

- Are difficult to measure and are based on personal feelings or opinion.
- Common examples are referred to as mental anguish, emotional distress, pain and suffering, and loss of consortium.
- Non-economic damages are limited to \$500,000 in the state of North Dakota.

Disrupt The Equilibrium

North Dakota's laws strike a balance between ensuring patients receive fair compensation when injured and stabilizing costs to ensure access to health care providers. This protects patients and the medical community from increasing health care expenses and preserves access across all of North Dakota. Eliminating the cap would disrupt this critical balance.

Non-economic damage caps in North Dakota are working. The severity, or size of claims, in North Dakota on average has been lower than that of the rest of the United States. However, even with cap North Dakota has experienced years where severity has risen in excess of the national average. This demonstrates that the cap is still very much needed to stabilize cost on healthcare and therefore, the cost to afford healthcare services.



NORTH DAKOTA'S NON-ECONOMIC DAMAGES CAP:

- ✓ Gives providers a **sense of stability** in their medical practices
- ✓ Allows the medical community to focus their **attention and resources on delivering quality care to their patients**
- ✓ Ensures **access to specialty and high-risk services**
- ✓ Guarantees **equitable compensation for all citizens** whether from Fargo or Stanley

We have gotten away from what is at the heart of health care—the patient-provider relationship; research suggests that strengthening the patient-doctor relationship can significantly reduce patients' hospitalizations and expenses (to providers and Medicare) and improve their mental health (*New York Times* magazine, Tingley, 2018). Tort reforms, including caps on damages, keep providers focused on delivering quality patient care, not on the threats of losing their home due to excessive verdicts.

What YOU Can Do

Protect Access,
Protect Quality,
Protect Stability,
Protect Affordability,

PROTECT CAPS

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