
COPIC Update: Introduced Legislation Updating Caps on Noneconomic Damages

1 message

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February 7, 2024

Dear Colleague,

As we shared recently, there are significant efforts underway—currently in the form of filed ballot measures—to threaten Colorado’s stable medical liability climate. Parallel to the counter ballot measures filed by the Coloradans Protecting Patient Access (CPPA) coalition to combat these attacks ([Initiative 170](#) & [Initiative 171](#) referenced in last week’s update), our coalition is pursuing a proactive policy at the State Capitol this legislative session.

What We’re Advocating For

We know that Colorado’s non-economic damages cap (e.g., for pain and suffering, and impairment of the quality of life) is now one of the lowest in the country, as many states have seen increases in recent years due to inflationary changes or negotiated increases. This is one reason why Colorado has become the focus of an increasing trend across the country to raise or eliminate state caps on non-economic damages.

We support looking at ways to address this vulnerability in our tort

environment, but we also recognize that it needs to be accomplished in a reasonable manner that considers how best to protect both patients and providers. In the past two years, we have seen non-economic damage caps raised in both California and Nevada through a negotiated legislative process to prevent a ballot initiative eliminating all non-economic damage caps.

One of Colorado's recent ballot filings pushes for the elimination of the non-economic damages cap altogether, which we know would significantly increase the cost of liability insurance for providers. This will have a ripple effect on the cost of and access to health care for all Coloradans. Our coalition's stance has been clear from the beginning: we do not want an ugly, expensive fight at the ballot when those resources could instead be used to increase access to care.

Therefore, we have been willing to negotiate for a reasonable increase to the non-economic damages cap at the legislative level that provides a balanced approach for fair and just compensation in medical liability cases while also ensuring accessibility, affordability and stability in Colorado's health care system. **Recently introduced [Senate Bill 24-130](#), sponsored by Senator Kyle Mullica, a licensed emergency room nurse, would seek to increase Colorado's non-economic damages cap from \$300,000 to \$500,000 over a 5-year period.** COPIC supports this bill.

Balance is Key to a Healthy Health Care Environment

Keeping our health care environment healthy means increasing caps to a reasonable level, while ensuring caps are not eliminated altogether. We know that if the non-economic damage cap is set too high or eliminated, liability insurance becomes unaffordable for providers and health care organizations, driving them out of the state. This impacts access to care (especially in rural areas and for high-risk patients requiring specialty care), dramatically increases health care costs, and hurts our business environment.

The bottom line is: Colorado's bipartisan medical liability climate protects patients and the medical community. In coordination with the CPPA coalition, Colorado Medical Society, Colorado Hospital Association and other health care partners, COPIC supports the effort to update the non-economic damage cap in Colorado AND ensure we maintain a fair, reasonable cap that provides just compensation for plaintiffs, while retaining and attracting talented providers to our state so Coloradans have access to high-quality, affordable health care.

What's Next

Senate Bill 24-130 was introduced on Wednesday, February 7, and its first committee hearing is expected in the coming weeks. Our coalition, which includes partners at the Colorado Medical Society and the Colorado Hospital Association, in addition to other health care organizations, will work together to monitor and advocate for the bill as it moves forward. Keep an eye out for additional updates and any Calls to Action to join this campaign effort and ensure we maintain a stable liability climate that benefits both patients and providers.

Visit COPIC's [Legislative Action Center](#) for more information on bills we are tracking during the legislative session, sign up for newsletter updates, or find your elected officials. If you have any questions, please contact COPIC's Manager of Public Affairs, Logan Dunning, at ldunning@copic.com.

Thank you,

Gerald Zarlengo, M.D.

Chairman/CEO

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