

Our Priority...

MARYLAND'S MEDICAL LIABILITY ENVIRONMENT



Non-economic damages are awarded to plaintiffs to compensate them for pain and suffering. They differ from and are in addition to awards for actual damages (compensation for medical bills, loss of wages, etc.) and punitive damages (compensation for malicious intent). Unrealistically high non-economic or punitive damage awards lead to skyrocketing medical professional liability insurance rates. And when rates are too high, physicians are forced to limit services (particularly in obstetrics), move out of state, or retire. The loss of physicians and the health services they provide is a serious risk to public health and safety. In 2004, in response to an endangered physician workforce, MedChi advocated successfully for the Maryland General Assembly to enact a new cap on non-economic damages in medical malpractice cases. Maryland's cap is one of the highest in the nation at \$920,000 (effective 1/1/2026) with an automatic annual escalator of \$15,000. The current cap controls costs and protects injured parties.

Measures that seek to raise or remove non-economic damages caps or lower the standard for an award of punitive damages are harmful to physicians and patients and must be opposed.

Issue	MedChi Advocacy
<p>Research indicates that caps on non-economic damages lead to improved access to care for patients, constrained medical liability premium growth, lower claim frequency, reduced average claim payments, and lower health care costs.</p>	<p>Oppose measures that raise or remove the State's caps on non-economic damages. Even a change to the caps applying to other cases outside of healthcare sets a bad precedent and will be used as a marker to propose similar changes in the medical malpractice damage cap.</p>
<p>Maryland's health care environment is in a precarious state. Physician shortages are negatively impacting the delivery of care, especially in rural areas and in certain specialties like primary care. Any actions that change Maryland's medical liability environment could drive physicians into retirement or out of practice, exacerbating shortages and causing increased delays in receiving care.</p>	<p>Oppose measures that lower the standard for awarding punitive damages.</p>

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