

# ALBANY REPORT



**Legislative developments impacting the New York medical and dental professional liability insurance marketplace**

**NUMBER 04 | 2022**

## **UPDATE ON THE WRONGFUL DEATH BILL — IT WOULD GREATLY EXPAND THE LIABILITY OF MEDICAL PROVIDERS**

As reported previously, the New York State Legislature in June passed a bill, **S74A/A6770**, the New York State Trial Lawyers Association (NYSTLA) — referenced “Grieving Families Act.” If enacted into law, this legislation would have serious negative consequences for all New York healthcare providers and facilities.

The Grieving Families Act would greatly expand the type of damages that could be awarded in wrongful death cases, increase the number of eligible close family members who can bring a wrongful death case, and increase the statute of limitations for bringing such an action. A well-respected actuarial firm estimates that these provisions would result in a roughly 40 percent increase in medical professional liability insurance premiums for New York healthcare providers.

MLMIC has been lobbying the Governor’s office and the New York State Department of Financial Services to advocate for a veto of this harmful legislation since the bill was passed in June. This lobbying effort has been coordinated with the extensive advocacy efforts undertaken by our physician organization partner, the Medical Society of the State of New York (MSSNY). In addition, MLMIC’s hospital organization partner, the Healthcare Association of New York State (HANYS), has worked with other healthcare organizations to vigorously lobby against the legislation through numerous meetings with state policymakers. MLMIC has also joined with our affiliate company, MedPro, many of our healthcare organization partners, and several insurance companies to support and participate in a public advocacy campaign to use both paid and earned media to rally public support for a veto of this bill. This campaign, which began in September and is still underway, is also designed to rebut the NYSTLA public messages in support of the bill.

As of now, the bill is not yet law and has to be delivered to the Governor for consideration of a veto, approval, or possible amendments. We encourage any physician policyholder who wishes to register their opposition to this harmful legislation to click on the following link and follow the directions for submitting a brief message through MSSNY’s grassroots website: **Urge Governor to Veto Wrongful Death Liability Expansion**. For non-physicians reading this report who also wish to register their opposition to the legislation, you may go to the following link and follow the directions for submitting a brief message: **[www.notonemorecosthike.org](http://www.notonemorecosthike.org)**.



## **Questions?**

**[mcraw@mlmic.com](mailto:mcraw@mlmic.com)**

**Marc Crow is an attorney with  
MLMIC Insurance Company.**

## Stay Connected

Get the latest updates and industry news from New York's #1 medical and dental professional liability insurer. No one knows New York better than MLMIC.

### Follow MLMIC on Twitter and LinkedIn

Get news to inform your practice and help manage risk.



@MLMIC

@MLMIC4Dentists



Medical  
Dental

- Read medical liability articles and sign up for MLMIC's *Healthcare Weekly* at **[MLMIC.com/mlmic-insider](https://www.mlmic.com/mlmic-insider)**
- Get dental liability updates and sign up for *Dental Impressions* at **[MLMIC.com/dentists/blog](https://www.mlmic.com/dentists/blog)**

