



Issue brief

Certificate of Merit

Act 127 of 2002 and a Pennsylvania Supreme Court rule adopted in 2003 established certificate of merit requirements in an effort to reduce frivolous medical malpractice lawsuits. These reforms declared that a complaint brought against a member of the medical profession must be filed only if a signed certificate from another industry professional is presented confirming a reasonable probability that the practice or work of the complaint's subject fell outside of acceptable professional standards. This requirement validates the plaintiff's lawsuit, and, as a result, has reduced the number of unnecessary and costly medical malpractice claims.

Based on the success of the rule, efforts are underway to expand certificate of merit requirements for all civil liability cases, so that the business community can realize the same benefits as the health-care industry with regard to reining in frivolous lawsuits.

What current legislation is being considered?

House Bill 1419 proposes that the existing certificate of merit rule be extended to include all "professional liability actions." For example, under H.B. 1419, a filing against a building contractor for a slip-and-fall accident on narrow steps would require the signature of another contracting professional asserting that the steps could have been built improperly in order for the case proceed.

The bill also would require the filing of preliminary expert reports, with the accompanying required expert credentials, as opposed to filing attorney certifications, for medical malpractice and all civil liability cases. This provision would eliminate questions or concerns about the background of individuals providing expert testimony prior to a case going to trial.

How would expanding certificate of merit benefit job creators?

Reducing unnecessary, costly court battles will lead to a predictable and balanced legal system that encourage business investment and job creation. A certificate of merit rule and other reforms have helped to curtail frivolous medical malpractice lawsuits. As such, this rule would help improve the Commonwealth's overall civil liability climate.

PA Chamber position: *Support*

GOVERNMENT AFFAIRS DEPARTMENT

GENE BARR

President and CEO

Phone: 717 720-5469

Email: gbarr@pachamber.org

SAM DENISCO

Vice President,

Government Affairs

Phone: 717 720-5580

Email: sdenisco@pachamber.org

ALEX HALPER

Manager, Government Affairs

Phone: 717 720-5471

Email: ahalper@pachamber.org

ALISHA WELLS

Manager, Government Affairs

Phone: 717 720-5431

Email: awells@pachamber.org