Become an Original Co-sponsor of the Saving Lives, Saving Costs Act

Problem
America’s medical liability system fails to do what it is supposed to do: Accurately and efficiently identify cases of negligence, fairly compensate injured patients, and promote patient safety. The system needs common sense reforms so patients are compensated in a fair and timely manner for medical injuries while reducing the incidence of frivolous lawsuits.

Solution
The Saving Lives, Saving Costs Act will be reintroduced soon in the House by Reps. Andy Barr (R-KY) and Ami Bera, MD (D-CA), and in the Senate for the first time by Sen. John Barrasso (R-WY). The legislation gives providers facing a medical malpractice claim the option of a “safe harbor” if they adhered to clinical practice guidelines certified by the Department of Health and Humans Services and in compliance with strict requirements set by the Institute of Medicine.

How Would This Work?
When a medical malpractice suit is filed, a panel of qualified medical professionals would conduct a review of evidence prior to the costly discovery phase. The panel would determine if the provider complied with applicable guidelines and thus would be eligible for safe harbor protections. The panel would also use their medical expertise to determine when departing from guidelines is appropriate for the patient in question.

The findings, opinions, and conclusions of the review panel would be admissible as evidence in any and all subsequent court proceedings, including for purposes of motions for summary judgment at trial. If the panel found that the provider adhered to an applicable practice guideline, the claimant would be required to produce convincing evidence to survive summary judgment.

Why Reform is Critical
Safe harbors make sense with the increasing emphasis placed on improving the quality of health care, including through greater use of evidence-based clinical care guidelines. Congress, federal agencies, and private insurers are all putting greater focus on quality over quantity of care. Safe harbors will produce three positive changes:

- Encourage adherence to quality-promoting guidelines
- Help decrease costs by reducing use of defensive medicine
- Eliminate frivolous lawsuits

What You Can Do
Become an original co-sponsor prior to the reintroduction of the improved Saving Lives, Saving Costs Act of 2015 by contacting Francis Brooke (francis.brooke@mail.house.gov) with Rep. Andy Barr; Erin O’Quinn (erin.o’quinn@mail.house.gov) with Rep. Ami Bera, MD; or Jay Eberle (jay_eberle@barrasso.senate.gov) with Sen. John Barrasso.