



MAG Advocacy Brief (2013)

SUPPORT: H.B. 499 "Provider Shield Act"

FEDERAL GUIDELINES = AN UNREASONABLE STANDARD

Physicians in the U.S. are held to a nearly perfect standard. It's what they expect, it's what their peers expect, and it's what their patients expect. It is also the reason Americans have the best medical care in the world.

But state intervention notwithstanding, the federal government will raise this standard to unreasonable levels by exposing physicians to a number of new legal liabilities that are included in the Patient Protection and Affordable Care Act (PPACA) in the form of federal guidelines that will be applied to state civil actions that are related to medical malpractice. The PPACA guidelines are not related to the medical profession in Georgia, according to state code (Title 43, "Professionals and Businesses"). The PPACA guidelines include...

- Health care quality measures
- Payment adjustments
- Hospital value-based purchasing
- Value-based payment modifiers

H.B 499: A SOLUTION THAT'S GOOD FOR PHYSICIANS

Fortunately, states have the constitutional authority to amend their laws to prevent these kinds of federal provisions from being used in medical liability lawsuits that are filed in the state. MAG supports H.B. 499 – the "Provider Shield Act" – to protect physicians in Georgia from medical malpractice liability that is not related to the practice of medicine. H.B. 499 would protect physicians from liability for breaching any federal statute, regulation, program, guideline, or other provision. Under H.B. 499, any evidence that is related to the aforementioned federal guidelines would 1) not be admissible in court and 2) could not be used as the standard of care and 3) could not be used as a presumption of negligence in any medical malpractice lawsuit in the state. H.B. 499 will help ensure that Georgians have access to the highly trained physicians they need by creating a sustainable, more favorable practice environment.

It is also worth noting that other states are also looking at this kind of legislation as a way to protect physicians.

Contact Marcus Downs at 678.303.9280 or mardowns@mag.org for additional information.

With more than 7,000 members, MAG is the leading voice for the medical profession in Georgia – which includes physicians in every specialty and every practice setting. MAG membership has increased by nearly 25 percent since 2010. Go to www.mag.org for additional information.