



Advancing quality. Improving lives.

**ACTION ALERT!**

## PROPOSED VENUE RULE CHANGE FOR MEDICAL MALPRACTICE CASES IN PENNSYLVANIA

# WE NEED YOUR HELP!

The Pennsylvania Supreme Court's Civil Procedural Rules Committee has published a proposed rule change that would repeal the prohibition against 'venue shopping'.

### **What does 'venue shopping' mean?**

Attorneys are now prohibited from bringing action against a health care provider in a different county than where the cause of action arose. In other words, bringing a case against a Lancaster County nursing home in a Philadelphia court is strictly forbidden. Repealing this rule would allow attorneys to drag long-term care facilities into a more appealing jurisdiction for plaintiffs.

### **How does this affect nursing homes, personal care homes and assisted living residences?**

By allowing venue in counties with little to no relation to the underlying cause of action, claimants could shop for verdict-friendly venues in which to file their suits.

As was the case before legislative steps were taken in 2002 to address the medical malpractice crisis, Pennsylvania's legal climate will almost certainly be made worse for the long-term care sector.

We can expect higher medical liability insurance premiums, as well as access to care issues for potential residents.

### **Help stop this threat before it becomes a crisis!**

The only way to stop the rule change is to flood the Civil Procedural Rules Committee with personal comments!

### **The deadline for public comment is Friday, Feb. 22, 2019**

*Send an email to:*

Karla M. Shultz, Counsel  
Civil Procedural Rules Committee  
Supreme Court of Pennsylvania  
civilrules@pacourts.us

Indicate that your comments refer to the proposed changes to Pennsylvania Rule of Civil Procedure 1006, relating to venue and process in medical malpractice cases.

*If you have any questions, please contact Zach Shamberg, Director of Government Affairs at PHCA, at [zshamberg@phca.org](mailto:zshamberg@phca.org) or 717-221-7934.*