



December 20, 2022

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, New York 12224  
Re: S74A (Hoylman) /A6770 (Weinstein)

*AN ACT to amend the estates, powers, and trusts law, to authorize an award in a wrongful death action to include compensation for grief or anguish, the loss of love and companionship, loss of services and support and the loss of nurture and guidance.*

The New York State Society of Plastic Surgeons, Inc. (NYSSPS), the statewide medical specialty society representing practicing plastic surgeons with a mission of advancing quality care for plastic surgery patients and promoting public policy that protects patient safety, **strongly opposes** S.74-A (Holyman/A.6770 (Weinstein) and believes it should be vetoed. Rather than enact this into law, we urge you to use your Executive authority and powers to direct the development of a comprehensive package of medical liability reforms with a focus on enhancements to quality and access to care, while also addressing the exponentially rising liability costs and mechanisms to compensate negligently injured patients.

New York State already claims the title as the costliest state in the US for medical liability insurance rates for physicians; this proposal could potentially increase premiums by nearly 40%, as estimated by Milliman, Inc. Additionally, the enactment of this law will only exacerbate the already financially stressed healthcare system that is currently dealing with massive staffing shortages, workforce issues, loss of patient volume and loss of revenue due to COVID-19. During the height of the pandemic, the average number of in-person visits to physician offices fell from 97 per week to 57, according to an American Medical Association survey. Due to this drop, physicians averaged a 32% decrease in revenue for most of 2020, with about one in five physicians seeing revenue decrease by 50% or more, while nearly 1/3 of physicians seeing a 25%-49% decrease. These factors coupled with the enactment of this bill has the potential to be another catalyst for residents and physicians to leave our state or for physicians to retire early, causing more delays in patients' access to quality health care and overall damaging consequences to New York State's health care system.

Our members understand the goals of the proposed bill, however it cannot be passed and enacted as a standalone law without a broader comprehensive medical malpractice and liability package. While some states have enacted such measures, it was done in with other corresponding changes to assure costs would increase exponentially and threaten access. Current law already provides damages for loss of love, spousal services, and support to children. Our members support a remedy for families of the deceased, but New York State citizens and patients need a comprehensive reform of the medical malpractice laws and medical liability.

Last year, you vetoed legislation on the grounds it would have a "...significant negative impact on defendants in litigation including hospitals, State government and local governments, all of which are already under a great amount of strain due to COVID-19. ... I cannot impose this burden on local municipalities and health care providers at this time. Accordingly, I am constrained to veto this bill." Furthermore, when asked recently about the legislation you emphasized the need to resolve "in a thoughtful way that is best for New Yorkers before the end of the year."

For the above reasons, NYSSPS urges you to **veto** the above referenced legislation to allow for further discussions among all stakeholders on a path forward for achieving comprehensive reform, as other states have recently done, proving consensus can be forged to protect patients as well as the health care system and physicians.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Huang MD". The signature is fluid and cursive, with the letters "MD" written in a slightly larger, more distinct font at the end.

Dan Huang, MD  
President  
New York State Society of Plastic Surgeons