

LONG TERM CARE & SENIOR LIVING BLOG

Missouri Physicians Lobby to Restore Cap on Non-Economic Damages

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As reported by Missouri Lawyers Weekly, “a parade of lab-coated doctors” appeared before the Missouri State Senate and House of Representatives in early February 2013 to argue that the recent Missouri Supreme Court decision in *Watts v. Cox Medical Center* will reverse years of declining malpractice insurance rates. In *Watts*, the Court held in a 4-3 decision that the statutory cap of \$350,000 on noneconomic damages such as pain and suffering is unconstitutional because it violates the plaintiff’s right to a trial by jury. The doctors argued that unlimited noneconomic damages will harm the availability and affordability of health care in Missouri and that restoring the cap will help to control costs and keep doctors in Missouri.

Missouri instituted the \$350,000 cap in 2005 in an effort to curb liability lawsuits. Last year, the Supreme Court of Kansas upheld a \$250,000 limit on noneconomic damages in medical malpractice cases.

By Kathryn Huelsebusch

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