

Table 1. Effects of traditional malpractice liability reforms ¹²		
Proposed reform	Description	Effects
Caps on damages	Limit amount of awards for non-economic losses or punitive damages	<ul style="list-style-type: none"> • Reduces some defensive practices • Modestly improves physician supply • Reduces indemnity payments • Constrains growth of insurance premiums • Limited or equivocal evidence on claims frequency or care quality
Statute of limitation and repose	Limit the amount of time a patient has to file a claim	<ul style="list-style-type: none"> • Associated with modestly lower premiums • No effect on indemnity payments • Limited or equivocal evidence on defensive medicine, physician supply, quality of care, claims frequency, and overhead costs
Pretrial screening panels	Expert panels review cases to determine merit	<ul style="list-style-type: none"> • May reduce defensive practices • No effect on indemnity costs, claims, or premiums • Limited or equivocal evidence on physician supply and quality of care
Certificate-of-merit requirement	Requires an affidavit from a medical expert affirming merit	<ul style="list-style-type: none"> • Limited or equivocal effect on defensive medicine, physician supply, indemnity costs, overhead costs, claims frequency, and premiums
Limit on attorneys' fees	Limits amount plaintiff's attorney may charge as a contingency fee	<ul style="list-style-type: none"> • No effect on indemnity costs, claims frequency, premiums, or physician supply • Limited or equivocal evidence on defensive practices and quality of care
Joint and several liability "fair share rule"	When multiple defendants exist, liability is limited to the percentage of fault allocated to that defendant	<ul style="list-style-type: none"> • No effect on indemnity costs, premiums, overhead costs, or physician supply • Limited or equivocal evidence on defensive medicine, quality of care, and claims frequency
Collateral-source rule	Allows deduction of an award if injured patient has received compensation from another source	<ul style="list-style-type: none"> • No effect on defensive medicine, physician supply, quality of care, indemnity costs, claims frequency, premiums, or overhead costs
Periodic payment	Allows awards to be paid over a period of time rather than lump sum	<ul style="list-style-type: none"> • No effect on physician supply or indemnity costs • Limited or equivocal effect on defensive medicine, quality of care, claims frequency, premiums, and overhead costs