



OFFICE OF THE CITY ATTORNEY
Long Beach, California

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CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

MONTEH. MACHIT
Assistant City Attorney

PRINCIPAL DEPUTIES

Christina L. Checel
Dominic Holzhaus
Anne C. Lattime

DEPUTIES

C. Geoffrey Allred
Gary J. Anderson
Richard F. Anthony
Kendra L. Carney
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Linda T. Vu
Amy R. Webber
Theodore B. Zinger

February 4, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt Resolution of the City Council of the City of Long Beach Opposing Bills or Ballot Measures that Would Weaken the Medical Injury Compensation Reform Act (MICRA).

DISCUSSION

Pursuant to your request of January 21, 2014, this office has prepared and submits the above-described resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

AMY R. WEBBER
Deputy City Attorney

1 RESOLUTION NO.
2

3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH OPPOSING BILLS OR BALLOT
5 MEASURES THAT WOULD WEAKEN THE MEDICAL
6 INJURY COMPENSATION REFORM ACT (MICRA)
7

8 WHEREAS, the Medical Injury Compensation Reform Act of 1975
9 (“MICRA”) is a series of statutes crafted to ensure that injured patients are fairly
10 compensated and medical liability rates are kept in check, limiting frivolous lawsuits that
11 increase costs for consumers, local governments and others; and

12 WHEREAS, under MICRA, patients are awarded all economic damages,
13 such as past and future lost wages and past and future medical bills and unlimited
14 punitive damages, but non-economic damages are limited to \$250,000, thus allowing
15 legitimate medical liability cases to move forward but providing a disincentive for lawyers
16 to pursue meritless claims which waste health care dollars and drive up health care costs
17 unnecessarily; and

18 WHEREAS, a ballot measure was recently proposed that would quadruple
19 MICRA’s non-economic damages cap to \$1.1 million, which would make it easier and
20 more lucrative to file baseless lawsuits against health care providers, including state and
21 local governments; and

22 WHEREAS, according to a 2008 report by California’s former non-partisan
23 legislative analyst, increasing the amount of non-economic damages allowed under
24 MICRA would raise healthcare costs in California significantly, diverting those resources
25 away from patient care; and

26 WHEREAS, state and local government costs associated with higher
27 medical malpractice costs can amount to over \$100 million dollars annually, according to
28 the legislative analyst’s office analysis of the trial lawyers’ ballot measure; and

1 WHEREAS, by joining Californians Allied for Patient Protection, the City of
2 Long Beach would be joining other MICRA supporters including the California State
3 Association of Counties, California Special Districts Association, California Association of
4 Public Hospitals and Health Systems and more than 800 other organizations
5 representing doctors, hospitals, nurses, community clinics, local governments, business
6 and taxpayer groups, labor unions, EMTs, and others;

7 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
8 follows:

9 Section 1. The City Council of the City of Long Beach opposes attempts
10 to increase MICRA's cap on non-economic damages through the legislature or at the
11 ballot as these changes would increase health care costs and reduce patient access to
12 care.

13 Section 2. The City Council of the City of Long Beach in so doing desires
14 to become an official, non-dues paying member of Californians Allied for Patient
15 Protection (CAPP).

16 Section 3. This resolution shall take effect immediately upon its adoption
17 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2014, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk