



THE FACTS

The Fairness for Injured Patients Act (FIPA) Effectively Eliminates Caps on Non-Economic Damages

The initiative creates a new category of injuries which are indistinguishable from other injuries and not currently recognized under California law. This new “catastrophic injury” category does not include caps on non-economic damages set forth by the Medical Injury Compensation Reform Act (MICRA) and eliminates caps on attorneys’ fees. This measure would essentially eliminate the attorneys’ fee cap on both non-economic and economic damages.

Bottomline: This measure would obliterate existing safeguards for out of control medical lawsuits, resulting in skyrocketing healthcare costs and huge windfalls for attorneys who would get paid ahead of the patients, with uncapped fees in this new category.

FIPA will result in more, not less, frivolous lawsuits.

Unlike other judicial transparency laws in California, this measure would expressly prohibit judges from independently verifying the truthfulness of statements made by trial attorneys in certain court filings known as “certificates of merit,” and from disciplining them for dishonesty.

Current law also allows for patients to be paid for future damages over time as their treatment and recovery continues. This measure would instead require all damages to be paid in a large lump sum altogether at once. This increases the risk to patients that they will run out of money before their recovery is complete. But lump sum payments allow trial attorneys to collect more in fees.

Bottomline: This measure means lawyers would get paid more, and faster. There would be LESS accountability and MORE meritless lawsuits and patient risk.

This measure would raise health care costs

The nonpartisan Legislative Analyst Office has said, “This measure would likely have a wide variety of fiscal effects on state and local governments,” adding that, “Annual government costs likely ranging from the low tens of millions of dollars to the high hundreds of millions of dollars

Bottomline: This measure would drive up healthcare costs for EVERYONE, reduce access to care for those who need it most and force community clinics across the state to shut their doors.

Patients would be at risk

In 2014, voters were clear when they said No to Prop 46 and changes to MICRA that would have quadrupled the cap on non-economic damages because of the harmful effects it would have had, including increased healthcare cost for ALL Californians. This measure goes well beyond what Prop 46 would have done. The cost to injured patients and taxpayers would be far greater, as noted by the independent Legislative Analyst’s Office.

Bottomline: Doctors, nurses, community clinics, and dozens of healthcare organizations oppose the measure because it will HURT patients by raising costs and reducing access to care.

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