



March 26, 2026

Senator Melissa Murray  
Chair, Senate Health and Human Services Committee  
Rhode Island State House  
Providence, RI 02903

Re: Senate 3063 – SENATE RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO MAKE A COMPREHENSIVE STUDY OF RHODE ISLAND'S MEDICAL MALPRACTICE IMPACT ON HEALTH CARE PROVIDERS AND HEALTH CARE COSTS IN RHODE ISLAND

Dear Chair Murray:

This statement in support of S.3063 is submitted by the American Property Casualty Insurance Association (APCIA).<sup>1</sup> This resolution creates a commission to study medical malpractice issues in Rhode Island. APCIA supports this resolution as a first step towards creating solutions to help decrease medical malpractice liability which is driving increased insurance and healthcare costs.

In addition, we encourage the Committee to **consider changing the makeup of the commission to include a seat (or seats) for the private medical malpractice insurance market or representatives.**

There is currently a seat reserved for the President of the Rhode Island Medical Malpractice Joint Underwriting Association (MMJUA), however they insure less than 4% of the market.<sup>2</sup> Seven private companies each hold a bigger market share totaling 68%, with one at nearly one-third of the market. That's generally a good thing as overreliance on an MMJUA can be dangerous. However, it also means that the proposed commission may be lacking certain expertise these companies can provide.

Medical malpractice insurance is required by law in Rhode Island<sup>3</sup> and med/mal cases are common, with 99% of physicians facing at least one lawsuit by age 65.<sup>4</sup> Nationally, malpractice insurance premiums are

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<sup>1</sup> Representing 67% of the U.S. property casualty insurance market, APCIA promotes and protects the viability of private competition for the benefit of consumers and insurers. APCIA members represent all sizes, structures, and regions, which protect families, communities, and businesses in the U.S. and across the globe. Several APCIA members are located in Rhode Island and many more do business here. APCIA members are integral to the state of Rhode Island. They write 76% of the property casualty insurance sold in this state. The P&C insurance industry employs over 3,200 Rhode Islanders, provides annual assistance of \$1.5 billion in claim payments to help customers in the state, and contributes over \$160 million annually to the state in premium taxes.

<sup>2</sup> <https://content.naic.org/sites/default/files/publication-msr-pb-property-casualty.pdf> (p.284)

<sup>3</sup> § 42-14.1-2

<sup>4</sup> <https://www.nejm.org/doi/full/10.1056/NEJMsa1012370>

rising with verdicts<sup>5</sup> and annual premiums have now surpassed \$10,000 per year for most doctors.<sup>6</sup> Rhode Island tends to have higher awards and settlements<sup>7</sup> than national averages.<sup>8</sup> Unlike many states, Rhode Island does not cap noneconomic damages for medical malpractice cases, and studies show that noneconomic damages often fuel nuclear verdicts and settlements.<sup>9</sup>

Between 2009-2018, Rhode Island medical malpractice payments averaged over \$24 million per year, or roughly \$22 per resident.<sup>10</sup> As a result, medical malpractice liability insurance has struggled to keep pace, averaging \$1.44 in losses and expenses for every \$1 of collected premium over the last decade compared with roughly even profit margins nationally.<sup>11</sup>

S.3063 is an important step towards addressing these challenges. As a result, APCIA respectfully requests that it receive a favorable report.

Very truly yours,



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<sup>5</sup> <https://www.ama-assn.org/practice-management/sustainability/why-medical-malpractice-awards-are-rise> - In 2024, the average of the top 50 medical malpractice verdicts in the U.S. was \$56 million, according to The Doctors Co., a leading medical liability insurer. That's up from \$32 million in 2022 and \$48 million in 2023, according to Wes Cleveland, a senior attorney at the AMA.

<sup>6</sup> <https://www.medscape.com/slideshow/2024-malpractice-report-6017673#2> and see <https://www.ama-assn.org/practice-management/sustainability/medical-liability-insurance-headed-toward-hard-market-2025>, noting that medical liability insurance premiums have increased 6-years in a row

<sup>7</sup> 18% over \$1 million (2008-2018 RI Medical Journal study), <http://rimed.org/rimedicaljournal/2022/08/2022-08-52-contribution-barre.pdf>

<sup>8</sup> 16% over \$1 million (2024 national survey), <https://www.medscape.com/slideshow/2024-malpractice-report-6017673#12>

<sup>9</sup> ILR Nuclear Verdicts Report, May 2024, [ILR-May-2024-Nuclear-Verdicts-Study.pdf](https://www.ilr.org/ILR-May-2024-Nuclear-Verdicts-Study.pdf)

<sup>10</sup> <https://www.rosenbaumfirm.com/medical-malpractice-statistics.html>

<sup>11</sup> <https://content.naic.org/sites/default/files/publication-pbl-pb-profitability-line-state.pdf>