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## Virginia cap on malpractice awards to increase starting in 2012

The cap on awards for malpractice lawsuits in Virginia will go up \$50,000 a year for the next 20 years, following a recent compromise between trial lawyers and physicians in the Commonwealth.

Incremental increases to the cap had been made previously. But once the cap reached \$2 million, physicians argued that further increases would result in higher malpractice insurance premiums, while the state's trial lawyers, who represent injured patients, disputed that one would automatically follow the other.

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To break the impasse, two state legislators threatened to impose a decision in the General Assembly if the Medical Society of Virginia and the Virginia Trial Lawyers Association didn't reach a compromise. Last month, they did just that, settling on \$50,000 annual increases to the cap starting in 2012.

Physicians can live with the increases, says MSV President Cynthia Romero, MD, because it will stabilize premiums for doctors, thereby bringing more insurers and physicians to the state. In a letter to MSV members, Romero said the agreement:

- Retains Virginia's total cap
- Establishes an agreement for a long period of time
- Minimizes the risk of large premium increases
- Delays the effective date of any increases.

In addition, says Romero, the deal ensures that there will be no legislative efforts by VTLA to eliminate the total cap, amend the cap to apply only to non-economic damages or create a second cap within the total cap.

Source: [WTVR](#)

To view the MSV president's letter to members, go [here](#).

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