



California
CHAPTER

LEGISLATIVE REPORT #252

Update from CAPP; New MICRA Initiative Filed

September 8, 2013: Last Friday, Robert Pack (who has aligned himself with Consumer Watchdog and Consumer Attorneys of California) filed a [second version of the ballot measure to change MICRA](#) on Friday, August 30.

The new version is very similar to the original version except it now proposes mandatory reporting of physician impairment and standard of care violations to physicians only (rather than all health care practitioners), removes the definition of "health care practitioner" that was given in version one, and reverts back to the existing language from B&P Code §6146 regarding attorneys' fee limitation (version one had changed the language so that fee limitations would only apply to claims for professional negligence, rather than the existing code language of based upon alleged professional negligence).

Filing the new measure restarts the timeline for the proponents, and it is possible that they file additional versions of the initiative over the next few months.

On the same day, [the Legislative Analyst's Office \(LAO\) released its analysis of the first MICRA ballot measure](#) filed in July. The LAO, tasked with evaluating the fiscal impact of measures on state and local governments, did a good job of staying impartial while acknowledging some of the potential costs and recognizing ranges of costs associated with changing MICRA. They estimate tens of millions to hundreds of millions of dollars in increased costs annually – for state and local governments.

The last day of the legislative session is September 13th. CAPP and its members are monitoring every bill and watching for any last minute gut-and-amend attempts. We will let you know if anything develops.

[> Read MICRA Ballot Measure Version 2](#)

[> Read Legislative Analyst's Office Analysis of First MICRA Ballot Measure](#)