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Medical Review Panels Legislation Takes Effect

FRANKFORT, KY. (June 29, 2017) – Beginning today, the Commonwealth of Kentucky takes its first official step toward tort reform, initiating a new program to review claims of malpractice against healthcare providers before any legal action can be filed in court.

The 2017 Kentucky General Assembly passed Senate Bill 4 establishing Medical Review Panels (MRPs) to help weed out unfounded or frivolous medical malpractice lawsuits. Governor Matt Bevin enthusiastically endorsed the bill and signed the legislation into law.

“Making sure patients can pursue legal action in the event of medical malpractice is an important part of securing justice for those harmed by the healthcare system. However, it is equally important that providers be protected from frivolous or unfair claims,” said CHFS Deputy Secretary Judge Timothy Feeley. “MRPs will ensure there is an adequate basis for civil action before a case is pursued in court.”

Any person alleging malpractice against a healthcare provider or institution must first bring a “proposed complaint” to the Medical Review Panels Branch within the Cabinet for Health and Family Services (CHFS), before filing the claim in a Kentucky court. The MRPs will serve as a pre-cursor to filing a medical malpractice action in court and will be staffed by an attorney and three Kentucky-licensed healthcare providers to provide a peer-reviewed assessment of each case. Healthcare providers included in the statute are broadly defined. They include, but are not limited to, physicians, dentists, pharmacists, social workers and nursing homes.

“Medical Review Panels are a small step toward stemming the flow of medical practitioners out of our state,” said the bill’s sponsor, Sen. Ralph Alvarado, in a press release. “The lack of healthcare providers in our Commonwealth can be largely attributed to the litigious-friendly climate in which we have found ourselves in recent years due to the absence of tort reform.”

No matter the outcome of the opinion, the plaintiff retains a right to pursue a medical malpractice claim in a court of competent jurisdiction after the final MRP opinion is rendered. If the plaintiff chooses to file a civil complaint following the MRP review, either party may move the trial court to admit the MRP opinion as evidence in the same manner a party would move to admit the testimony of an expert witness.



For more information on the MRP process, go to: mpr.ky.gov or contact the Medical Review Panel Branch at CHFS via email at mrp@ky.gov.

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The Cabinet for Health and Family Services is home to most of the state's human services and healthcare programs, including the Department for Medicaid Services, the Department for Community Based Services the Department for Public Health and the Department for Behavioral Health, Developmental and Intellectual Disabilities. CHFS is one of the largest agencies in state government, with nearly 8,000 full- and part-time employees located across the Commonwealth focused on improving the lives and health of Kentuckians.