

## PA Supreme Court Signals "New" Med Mal Venue Rules Are Here to Stay

Joshua Gajer and Andrew Feldstein

*Healthcare Client Alert*

3.11.26

On February 18, 2026, the Pennsylvania Supreme Court issued an order backtracking on its prior commitment to review a formal study conducted by the Civil Procedural Rules Committee to examine the practical impact the amendment to medical malpractice venue rules have had on malpractice litigation and the delivery of healthcare services throughout the Commonwealth. That amendment, which first became effective on January 1, 2023, reversed a two-decade-old rule that confined medical negligence suits to the county where the alleged care was rendered. With the amendment, since 2023, plaintiffs have been permitted to file in any county where a corporate healthcare defendant "regularly conducts business." Prior to its enactment, the 2023 venue rule change garnered a lot of attention from advocates and detractors alike. Accordingly, even though the Supreme Court adopted the proposed change, it initially committed to a mandatory two-year reexamination of the rule's effects. Now, the Supreme Court has dispensed with that requirement as well.

The Court did not provide rationale for its decision beyond a passing reference to the fact that "more data was needed." However, the Court did not set a new date to reexamine the Rule or any mechanism by which to receive further reports from interested parties. Instead, it merely acknowledged that new proposals or amendments to the Rule could still be submitted through the traditional amendment process.

The Supreme Court's recent order removing the reexamination requirement and declining to engage in further study strongly signals that the expanded venue framework is here to stay. By characterizing the review provision as "expired" and declining to solicit public comment or initiate any additional action, the Court signaled little interest in revisiting the Rule or reinstating prior limitations. Absent compelling new evidence submitted through the ordinary rulemaking process, defendants should expect continued, and likely growing, use of plaintiff-favored venues such as Philadelphia where filing volumes have already more than doubled since the rule change. Providers and insurers should anticipate continued strategic venue selection by plaintiffs and should prioritize early venue analysis and challenges as the broadened venue landscape appears poised to remain the governing standard for the foreseeable future.

For more information, please contact Joshua E. Gajer, Partner, at [gajerj@whiteandwilliams.com](mailto:gajerj@whiteandwilliams.com) or 215.864.6837 or Andrew Feldstein, Associate, at [feldsteina@whiteandwilliams.com](mailto:feldsteina@whiteandwilliams.com) or 215.864.7181, or another member of our Healthcare Practice Group.

This correspondence should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only and you are urged to consult a lawyer concerning your own situation and legal questions.