

## **'Apology legislation' would help lower health-care costs; improve doctor-patient relationships**

As much as lawsuit abuse forces health-care providers to practice costly defensive medicine, fear of frivolous lawsuits often keeps doctors from even having open conversations with their patients about unforeseen outcomes. As a result, patients can be left feeling frustrated and angry, and anger is often a driving force behind an unnecessary medical malpractice lawsuit.

The reasonable solution is what's known as "apology" legislation (H.B. 495), which is moving through the Pennsylvania General Assembly.

The bill would allow health-care providers to speak with patients following an unforeseen outcome without the fear of litigation based solely on the conversation. Specifically, the legislation would allow health-care providers to apologize, explain or show compassion or commiseration freely without these statements being permitted as evidence in a court of law. It's important to note, however, that the measure would in no way take away a patient's ability to sue or pursue other legal action.

The bill is just one of a number of commonsense lawsuit abuse reform measures needed to restore balance to the Commonwealth's dismal legal system – a system that right now keeps health-care providers from even being able to show compassion. It's also a step in the right direction toward improving the Commonwealth's health-care climate by reducing costs without compromising the rights of patients.

This solution is needed because personal injury lawyers will use benevolent gestures or admission of fault against health-care providers, setting the stage for the reluctance to have open conversations with patients. Honest communication is vital to a beneficial doctor/patient relationship.

Ensuring that certain statements made by physicians, hospitals or nursing home employees would no longer play a role in lawsuits is a commonsense, consumer and provider friendly approach to lawsuit abuse reform. The measure has a proven track record in other states as a way of reducing the number medical liability claims in the 35 states that employ such practices, according to the Pennsylvania Medical Society.