

LAWSUIT REFORM ALLIANCE OF NEW YORK

11 N. Pearl • Suite 1823 • Albany, NY 12210 • www.lrany.org

SUPPORT

BILL NUMBER: S.4848 (REICHLIN-MELNICK) / A.5599 (Galef)
SUBJECT: Relates to Statements of Regret by Medical Providers
DATE: March 3, 2021
CONTACT: Tom Stebbins, tstebbins@LRANY.org

Summary:

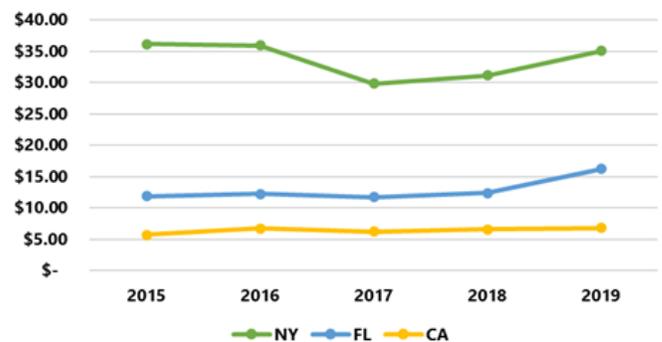
This legislation would make statements of apology or regret by a healthcare provider inadmissible as evidence of guilt or an admission of liability.

Why we support this legislation:

Promotes Kindness in Medical Care

- New York is frequently listed as the worst place for doctors to practice.¹ “Providers are very hesitant to practice here, because in many cases, it can literally destroy their career.”² This legislation would not only make practicing in New York more attractive, it would make medical care more caring. Many doctors are hesitant to discuss adverse events with their patients for fear that discuss could be used against them. This proposal would vastly improve the communication between medical providers and patients.

Medical Liability Payout Totals Per Capita 2015-2019



Improves Medical Outcomes

- A Report in the Journal for Patient Safety found that hospital staff and doctors willing to apologize and resolve adverse medical events through a “collaborative communication resolution program” experienced a significant decrease in the filing of legal claims, defense costs, liability costs and time required to close cases. Apologies alone resolved 43% of cases with medical errors.

Mirrors Positive Legislation in Other States

- Thirty-nine states and the District of Columbia have enacted similar “apology statutes” as a method to both improve patient care and improve outcomes.⁴

¹ Keirnan, John, WalletHub, <https://wallethub.com/edu/best-and-worst-states-for-doctors/11376>

² Wang, Vivian, New York Times, <https://www.nytimes.com/2017/12/15/nyregion/in-bronx-obstetricians-may-find-work-inspiring-and-careers-hindered.html>

³ Akerman, Bonnie, National Law Review, <https://www.natlawreview.com/article/you-had-me-i-m-sorry-impact-physicians-apologies-medical-malpractice-litigation>

⁴ National Conference of State Legislators <https://www.ncsl.org/research/financial-services-and-commerce/medical-professional-apologies-statutes.aspx>

The Lawsuit Reform Alliance of New York is a not-for-profit association of businesses, healthcare providers, growers, membership organizations, and taxpayers dedicated to reform of the legal system in order to foster a better business climate, promote job growth and address the growing cost of lawsuit abuse.