



THE HOSPITAL & HEALTHSYSTEM ASSOCIATION OF PENNSYLVANIA

February 28, 2011

TO: Honorable Members of the House of Representatives
FROM: James M. Redmond, Senior Vice President, Legislative Services
SUBJECT: House Bill 495—*Apology/Benevolent Gesture*

Issue: House Bill 495 is scheduled for consideration by the House on Monday, February 28. This bill would improve our legal climate, which is critical to improving health care access.

Background: The current liability environment precludes health care providers from explaining to patients and their families what happened when procedures go wrong because they fear the information will be used against them in court. An open discussion of the error has been shown to decrease the likelihood of the patient filing a lawsuit, and can decrease the costs of defending a meritorious claim.

Adoption of this legislation means that prior to any medical professional liability action, statements expressing apology or a general sense of benevolence, which are made by a health care provider to the plaintiff, a relative of the plaintiff, or a representative of the plaintiff, and which relate solely to discomfort, pain, suffering, injury, or death as the result of medical treatment, shall be inadmissible as evidence of an admission of liability.

Thirty-five states have passed immunity for apology laws. These statutes allow physicians and health care providers to apologize and offer expressions of grief without their words being used against them in court.

HAP Position: HAP supports House Bill 495.

For More Information: If you have questions, please [contact me](#) at (717) 561-5350; [Timothy Ohrum](#), HAP's director, legislative services, at (412) 480-9761; or [Brian Eury](#), HAP's regional director, legislative services, at (215) 510-5135.

