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NEWS

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PHCA PRESIDENT & CEO JOINS ‘APOLOGY’ LEGISLATION SPONSOR ON STATEWIDE PUBLIC AFFAIRS PROGRAM

Sen. Pat Vance’s bill would lower health-care costs, reduce malpractice lawsuits, strengthen relationships between doctors and patients.

HARRISBURG --- Pennsylvania should join the 35 other states, including neighboring Ohio, Delaware and Maryland, that have enacted “apology” laws which allow health-care and medical professionals to acknowledge mistakes or adverse outcomes without fear of retribution.

“For decades, lawyers and insurers have advised health-care professionals to ‘deny and defend’ when an adverse situation arises, believing an apology would lead to lawsuits, high settlements and ruined careers,” said Dr. Stuart Shapiro, president and CEO of the Pennsylvania Health Care Association. “This is a flawed defensive strategy, and it’s time to change that line of thinking.”

Dr. Shapiro joined state Sen. Pat Vance (R-Cumberland/York), a nurse by profession, on a statewide public affairs program to discuss legislation she introduced to lower health-care costs, reduce the number of medical malpractice lawsuits and strengthen relationships between doctors and patients. The program begins airing in Pennsylvania this weekend.

Vance’s measure permits medical professionals to express empathy for and take ownership of an unforeseen outcome without the risk of retaliatory litigation based solely on statements made at the time of an apology. The bill does not relieve doctors, hospitals or nursing homes of liability, nor does it prevent a patient or family from filing a lawsuit. It simply permits professionals to communicate openly and honestly with patients and their families without fear that their statements will be used against them in court.

“On behalf of PHCA, I want to commend and thank Senator Vance for taking leadership on this issue and bringing it to the forefront of debate in the legislature,” Dr. Shapiro said. “As the General Assembly’s sole health-care professional, Senator Vance brings a unique, first-hand perspective to this issue. Legislators would be wise to follow her lead. That so many senators agreed to co-sponsor this cost-saving, common-sense bill is a positive first step.”

Senate Bill 208 has 31 Democrat and Republican co-sponsors. Only 26 votes are needed for a bill to pass the Senate.

In the 35 states that have passed apology legislation and created disclosure programs, not only have claims gone down, but customer service ratings have skyrocketed.

At the University of Michigan Health System, one of the first to experiment with disclosure policies, existing claims and lawsuits dropped from 262 in 2001 to 83 in 2007. During this period their legal defense costs and the money they set aside to pay claims each have been cut by two-thirds, and the time taken to resolve cases has been halved.

Similarly, the number of malpractice filings against the University of Illinois has dropped by half since it started its disclosure program nearly three years ago. In the 37 cases where the hospital acknowledged a preventable error and apologized, only one patient has filed suit.

Research shows anger, not greed, is the driving force behind most medical malpractice lawsuits. In one study, more than one-third of patients and families who filed medical malpractice lawsuits said they would not have done so if they had been given an explanation and apology.

“The Vance bill mirrors the lessons we teach our children --- to acknowledge mistakes, not run from them,” Dr. Shapiro said.

Dr. Shapiro and Sen. Vance discuss the issue on “Pennsylvania Newsmakers,” with host Dr. G. Terry Madonna. “Pennsylvania Newsmakers” is the state’s premier politics and public policy talk television show. The show will air regionally as indicated below:

- WGAL Channel 8 (Harrisburg and Lancaster) at 11 a.m. Sunday, April 26.
- WBPH (Lehigh Valley and Philadelphia) at 8:30 p.m. Monday, April 27.
- WKBS 47 (Altoona) at 11:30 a.m. Saturday, May 2.
- WPCB 40 (Pittsburgh) at 11:30 a.m. Saturday, May 2.
- CATV Channel 8 at 7 p.m. Tuesday, April 28 and 1 p.m. Wednesday, April 29.

PHCA is a statewide advocacy organization for Pennsylvania’s most vulnerable older residents and their providers of care. Members comprise for-profit, nonprofit and government providers. PHCA, along with its sister agency, the Center for Assisted Living Management, represents 330 long-term care and senior service providers that care for 38,000 elderly and disabled individuals. For more information about PHCA, call 717-221-1800 or visit www.phca.org.

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