

# ALASKA STATE LEGISLATURE

## REPRESENTATIVE KURT OLSON

- Chair: Labor and Commerce
- Vice Chair: Rules
- Member: Resources, Community & Regional Affairs,  
Economic Development Trade & Tourism,  
Fisheries, Legislative Budget & Audit

Session: January – April  
State Capitol, Room 24  
Juneau, AK 99801-1182  
Phone: 907-465-2693  
Fax: 907-465-3835



Interim: May – December  
145 Main Street Loop, Ste. 221  
Kenai, AK 99611  
Phone: 907-283-2690  
Fax: 907-283-2763

Official Business

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### **Sponsor Statement HB 250**

"An Act making an expression of apology, responsibility, sympathy, commiseration, compassion, or benevolence by a health care provider inadmissible in a medical malpractice case; requiring a health care provider to advise a patient or the patient's legal representative to seek legal advice before making an agreement with the patient to correct an unanticipated outcome of medical treatment or care; and amending Rules 402, 407, 408, 409, and 801, Alaska Rules of Evidence."

HB 250, also known as the "benevolent gesture" or "I'm Sorry" bill, would render expressions of responsibility, apology or sympathy by a health care provider to a patient related to an unanticipated outcome of treatment inadmissible as evidence in a medical malpractice case.

The bill is intended to clear up the gray area which now exists between apologies and admissions of neglect. The goal of HB 250 is to improve doctor-patient relationships, especially in cases ending with a less-than-favorable outcome. It is not negligence, but rather a failure in communication between the provider and patient, that most often results in malpractice lawsuits.

HB 250 aims to improve the climate of communication, disclosure and analysis. Similar legislation has already passed in over 30 states. This legislation will enable health care providers to better fulfill their moral and ethical responsibilities to patients and their families through expressions of compassion and sympathy without fear of retribution in the form of a lawsuit.

I respectfully ask for your support of this legislation.