



February 28, 2014

The Honorable Kurt Olson
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Re: House Bill 250

Dear Representative Olson:

The purpose of this letter is to lend our support toward passage of HB 250. We appreciate your sponsorship of this legislation. At their monthly meeting, the CPGH, Inc., Board of Directors passed a resolution (attached) in support of HB 250.

While there is evidence that legislation such as HB 250 has reduced litigation in other states, Central Peninsula Hospital supports the bill for different reasons. We believe it will foster much needed and healing communication between health care providers and patients or family members following an unpredicted outcome or adverse medical event.

The present liability system does not encourage discussion of unanticipated outcomes and inhibits health care providers from demonstrating their compassion. Making benevolent gestures such as saying "I'm sorry" shouldn't be used as an admission of fault but rather its true intention – compassion and sympathy. Current law inhibits providers who quite literally are fearful of legal repercussions, but perhaps even worse, it prevents an ongoing dialogue which provides information and closure for patients and their family following an adverse event.

If passed this legislation would afford health care providers an opportunity to articulate their feelings of compassion and humanity and more importantly would give patients what they desire, the allowance of providers to apologize, express condolence, commiserate, and explain. On the contrary, this legislation does not make disclosures of liability, fault or negligence inadmissible nor should it.

Thank you again for sponsoring this legislation and let me know if there is anything we can do to help move it through to final passage.

Sincerely,

Rick Davis
CEO
Central Peninsula

cc: Kenai Peninsula Legislative Delegation
Alaska State Hospital & Nursing Home Association

CPH is a
member of
the Planetree
Alliance.

RESOLUTION 2014-26

A RESOLUTION IN SUPPORT OF HOUSE BILL 250 WHICH RENDERS EXPRESSIONS OF RESPONSIBILITY, APOLOGY OR SYMPATHY BY A HEALTH CARE PROVIDER TO A PATIENT RESULTING FROM AN UNANTICIPATED OUTCOME OF TREATMENT TO BE INADMISSABLE AS EVIDENCE IN A MEDICAL MALPRACTICE CASE

1. **WHEREAS**, Central Peninsula Hospital is committed to patient safety and constantly searches for new methods to prevent errors, infections, patient injuries and near-misses; and,
2. **WHEREAS**, when a mishap or near-miss occurs, Central Peninsula Hospital is committed to confronting it and learning from it in order to prevent similar incidents from occurring again; and,
3. **WHEREAS**, even though diligence, training and education have made Central Peninsula Hospital one of the safest hospitals in Alaska, unanticipated outcomes can and still do occur; and,
4. **WHEREAS**, “benevolent gesture” or “I’m Sorry” laws similar to House Bill 250 have been passed in over 30 states to improve communications between patients and providers when something happens in the patient care continuum that was not anticipated and results in a patient injury or poor outcome; and,
5. **WHEREAS**, “I’m sorry” laws provide an opportunity for providers to not only communicate more openly with their patients during a difficult time, but this legislation also allows the provider to say “I’m sorry” without fear of retribution for making a benevolent apology; and,
6. **WHEREAS**, Central Peninsula Hospital currently attempts to practice the spirit of HB 250 with patients and families and believes legislation would provide more confidence to all health care providers to not only acknowledge errors but also allow them to say “I’m sorry” without fear of a benevolent apology being admissible as evidence in a malpractice case; and,
7. **WHEREAS**, House Bill 250 addresses the gray area between apologies and fault and provides for health care providers and patients to work towards a mutual agreement to resolve a situation that is also not admissible as evidence in a medical malpractice case; and,
8. **WHEREAS**, this legislation does not exempt an admission of liability, fault or negligence evidence admission;

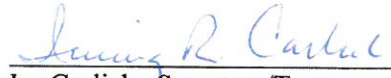
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CENTRAL PENINSULA GENERAL HOSPITAL, INC., A NOT-FOR-PROFIT ALASKA CORPORATION, THAT:

SECTION 1. The CPGH, Inc. Board of Directors strongly supports passage of House Bill 250 in order to encourage and provide an opportunity for providers to make a heartfelt apology without fear of it being used against them.

SECTION 2. This resolution takes effect immediately upon its adoption and copies will be sent to the Kenai Peninsula Legislative Delegation and the Alaska State Hospital and Nursing Home Association.

I certify that the above resolution was approved by vote of the Board of Directors of Central Peninsula General Hospital, Inc. at the 02/27/14 Board meeting.

Dated: 02/27/14



Irv Carlisle, Secretary/Treasurer
CPGH, Inc. Board of Directors