



February 27, 2014

The Honorable Pete Higgins
Alaska House of Representatives
State Capitol Room 424
Juneau, AK 99801

Re: American Medical Association Support for House Bill 250

Dear Representative Higgins:

On behalf of the American Medical Association (AMA) and our physician and student members, I am writing to you today to **support House Bill (H.B.) 250**, which would make an expression of apology, responsibility, liability, sympathy, commiseration, compassion or benevolence by a health care provider inadmissible in a medical liability case. This bill offers to significantly improve the medical liability climate for Alaska patients and physicians.

The current medical liability system adversely affects patients in many ways. It reduces patients' access to health care – particularly high risk procedures. It hinders patients' communication with their physicians. It adds to the cost of patients' health care expenses, and it forces patients to go through additional tests and procedures due to a system that encourages physicians to practice defensive medicine. H.B. 250 would address these patient concerns for the better.

Open communication between patients and health care providers is essential to ensuring optimal health care outcomes. Fear of lawsuits can impede such open communication between health care providers and patients. Protecting statements by health care providers, however, that express sympathy, condolence, fault or a general sense of benevolence to a patient after an unanticipated health care outcome fosters open communication between the health care provider and the patient.

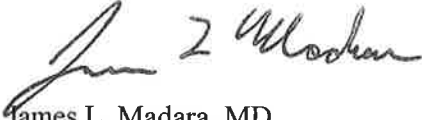
When an unforeseen health care outcome occurs, patients have questions, and physicians want to provide answers. Unfortunately, the fact that such a conversation can be used by personal injury lawyers in a medical liability lawsuit often stops open dialogue before it can even start. H.B. 250 would remedy this problem. H.B. 250 would allow physicians and patients to have a full and open conversation after an unforeseen outcome without fear that anything said could be used against the physician in a medical liability lawsuit. The bill does not take any legal right away from injured patients or impair their ability to file a personal injury action against a health care provider should they choose to do so. H.B. 250 simply facilitates the ability of physicians and their patients to have an open discussion after a poor outcome.

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The AMA commends you for seeking a solution to an issue that is problematic for Alaska patients and physicians. You have an opportunity to solve this long-term problem, and we hope that you are successful in this effort.

The AMA thanks you for the opportunity to submit these comments. Based on all of the above, we strongly urge you to **support H.B. 250**. If you have any questions, please contact Kristin Schleiter, JD, Senior Legislative Attorney, Advocacy Resource Center, at kristin.schleiter@ama-assn.org or (312) 464-4783.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim L. Madara", written over a horizontal line.

James L. Madara, MD

cc: The Honorable Kurt Olson
The Honorable Max Gruenberg, JD
Alaska State Medical Association