



Tom Bell
President and CEO

March 7, 2011

TO: Senate Judiciary Committee

FROM: Chad Austin, Vice President of Government Relations

RE: Substitute for House Bill 2069 - Kansas Adverse Medical Outcomes Transparency Act

The Kansas Hospital Association appreciates the opportunity to testify regarding this important proposed legislation. The practice of medicine is both an art and a science and therefore the treatment of patients does not always proceed as planned. KHA strongly believes that a health care provider or a representative of a health care facility should be able to express benevolence, regret, mistake, error, sympathy, apology, commiseration, compassion and condolence without these expressions or actions being admissible as evidence, considered an admission of liability, or an admission against interest. Such conduct, statements, or activity should be encouraged between health care providers, health care institutions, and patients experiencing an adverse event resulting from their medical care.

The movement to increase transparency is welcomed by patients and by more and more regulatory and accreditation agencies that are requiring health care providers and health care institutions to discuss the outcomes of their medical care and treatment with their patients, including adverse events. Studies have shown such discussions foster improved communications and respect between provider and patient, promote quicker recovery by the patient and reduce the incidence of claims and lawsuits arising out of such events.

In keeping with society's expectations that health care providers "do the right thing" and communicate openly and honestly with patients regarding adverse events, KHA respectfully requests the Committee to support Substitute for House Bill 2069 as proposed by the Sisters of Charity of Leavenworth.

Thank you for your consideration of our comments.

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