



To: Senate Judiciary Committee

From: Rachelle Colombo
Executive Director

Date: February 16, 2021

Re: SB 150; legal disclosures related to advertising

The Kansas Medical Society appreciates the opportunity to submit comments in support of SB 150, relating to the requirement of certain disclosures for legal advertising. This proposal establishes necessary protection for Kansas consumers against misleading claims and predatory practices.

Maintaining access to care in Kansas relies on a number of factors – liability costs chief among them. Though our state has enjoyed a relatively stable medical professional liability climate for the last several decades, efforts to balance the right of recovery with access to care is threatened by frivolous litigation enticed on false premises. Cultivating fear about potential recalls and health outcomes that have not been issued by government agencies or verified through the Food and Drug Administration process does not serve consumers or patients well. Individuals should not be preyed upon with implications that could threaten their personal medical judgment in the interest of trial attorneys. SB 150 appropriately requires factual legal disclosure to ensure consumer protection. The bill would be further bolstered by a requirement for disclosure regarding contingency fees for legal representation. Plaintiffs deserve to know the factual basis or lack thereof for their claims, as well as the financial breakdown of any potential awards.

Whether patients or business consumers, Kansans are best served by transparent, factual resources as they strive to determine their best interests. SB 150 protects patient access, promotes consumer protection and does not limit the right of plaintiffs to recovery in legitimate claims. We respectfully urge your support of SB 150.