

The Honorable Carol Hagan McEntee

Chair, House Committee on Judiciary

Rhode Island State House

82 Smith Street

Providence, Rhode Island 02903

Good afternoon,

I am a primary care pediatrician who has been practicing in Rhode Island for more than 40 years and I am testifying in support of HB7548. This bill prohibits statements made by medical providers regarding unanticipated outcomes of medical care from being admissible as an admission of liability. Medical science and medical care are imperfect. Sometimes appropriate high-quality care is provided to patients and there are still unexpected adverse outcomes. Physicians and other health care providers are highly qualified, dedicated and extensively vetted individuals who are passionate about their work.

When medical events have an unexpected or difficult outcome and patients experience adverse effects, it is challenging for all parties involved. Medical providers feel a strong responsibility for the care that they provide and are devastated when events do not proceed as expected. Families and patients are upset, angry, disappointed and frustrated after they experience an adverse outcome. In these situations, medical providers would like to reach out to families and meet to fully discuss the care provided and why things did not turn out as expected. During these meetings, providers would like to convey sympathy and understanding regarding the outcome and the family's and patient's grief and anger. This is a normal human emotional reaction and in no way infers that something was done wrong or that something was missed.

Medical providers experience all the normal human emotions that occur when something bad happens. Many of us have been taught to create "controlled intimacy" in our interactions with patients. We are taught and encouraged to express compassion and empathy and, in the setting of an unexpected outcome, sympathy. It seems malicious if an expression of sympathy after an unexpected outcome is admissible in a malpractice lawsuit or trial as an indication of wrongdoing or malpractice.

Malpractice allegations against medical providers are deeply challenging for us. It causes us to question everything we do. These allegations cause us to order excessive, unnecessary and expensive tests, treatments and procedures.

Rhode Island is facing a primary care shortage. We are viewed by malpractice insurers as being a plaintiff friendly state for several reasons. We have a very high rate of interest accrual. The clock on interest starts from the time a lawsuit is initiated until settlement. Disposition of law suits can take several years increasing the financial interest “add-on” significantly. Our jurisdiction is viewed as pro plaintiff. All of these factors discourage physicians from practicing in Rhode Island.

House Bill 7548 will allow physicians to have honest, frank and meaningful discussions with patients and families following an unexpected outcome. I strongly urge your support of this legislation.

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