



To: House Committee on Judiciary  
From: Care New England  
Date: February 15, 2024  
Subject: **Support for HB 7169**

Dear Chairman Craven and members of the Committee,

**Care New England (CNE) is in support of HB 7169**, and we would like to thank Chairman Craven for his effort not just on this bill but collectively on a host of healthcare liability challenges and opportunities.

CNE Health System is a trusted, integrated health care organization that fuels the latest advances in medical research, attracts the nation's top specialty-trained doctors, hones renowned services and innovative programs, and engages in the important discussions people need to have about their health. CNE is helping to transform the future of health care, providing a leading voice in the ongoing effort to ensure the health of the individuals and communities we serve.

Rhode Island shares an equal challenge with our New England states in that the healthcare industry is facing historic staffing shortages. Unfortunately where Rhode Island is the outlier is that we are the only state in New England that does not have a physician apology law. Massachusetts, Connecticut, New Hampshire, Vermont and Maine have enacted a version of a physician apology law to make expressions of sympathy and the like inadmissible in medical malpractice lawsuits. Thirty-nine of the fifty states have physician apology laws in some form, leaving Rhode Island in the minority on this issue.

There are many challenges impacting physician and other healthcare provider recruitment and retention in Rhode Island. We cannot allow a major roadblock to the physician-patient relationship – fear of liability and licensure action for open, honest patient communications – to compound the other significant, complex issues facing healthcare. Passing HB 7169 is one small step to placing Rhode Island on equal footing with our neighboring healthcare markets.

Beyond staffing, HB 7169 encourages good clinical practice. As physicians, our professional ethics require us to communicate clearly and honestly with patients regarding unanticipated outcomes. Fear of medical malpractice repercussions should be the last thought our physicians have as we assist patients and their families to face, address, and overcome unanticipated medical outcomes. However, the current state of the law requires physicians and healthcare providers to choose their words carefully and anticipate how comments following an unanticipated outcome will later impact a lawsuit against them. This looming threat harms doctors, healthcare providers, and most importantly, Rhode Islanders of every background who are the patients of these doctors



(401) 227-3669



4 Richmond Square  
Providence, RI 02906



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and healthcare providers. HB 7169 will allow physicians and healthcare providers to place their focus on patient care over risk mitigation.

CNE understands that physician apology laws have been introduced in Rhode Island before without passing, but we are hopeful that in this moment, when healthcare access is an issue facing all Rhode Islanders, our legislators will show their support for dedicated physicians and healthcare workers by voting in favor of a law that will allow them to practice with less trepidation and more focus where our undivided attention should always be – on patients.

CNE urges you to pass HB 7169. We are appreciative of the opportunity to provide testimony and if you have any questions, please feel free to reach out to Robert Dulski, Director of Government Affairs, [RDulski@CareNE.org](mailto:RDulski@CareNE.org). Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Wagner".

Michael Wagner, MD, FACP  
President & CEO  
Care New England Health System



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