



M. Teresa Paiva Weed  
President

March 12, 2024

The Honorable Robert E. Craven, Sr.  
Chairman, House Committee on Judiciary  
Rhode Island State House  
82 Smith Street  
Providence, Rhode Island 02903

Re: OPPOSE – H.7528

Dear Chairman Craven:

The Hospital Association of Rhode Island (HARI) and its members oppose H.7528, an act which adds the doctrine of assumption of risk to the current comparative negligence statute.

We are concerned that at a time when healthcare in Rhode Island is particularly vulnerable, legislation has been proposed that would further exacerbate the impact of professional liability claims on hospitals beyond what is fair and reasonable. This bill would make the longstanding common law doctrine of assumption of the risk, which is a complete defense to liability, a factor in considering a plaintiff's comparative negligence. In Rhode Island, the doctrine of assumption of the risk always has been a complete bar to liability because its application requires that the injured party knew of the existence of the risk, appreciated its unreasonable character, and nevertheless engaged in the conduct resulting in his or her injury. To remove this as a defense is a significant change to longstanding common law and is a significant erosion of the few complete defenses available under Rhode Island law.

Financial stability is critical to the future viability of healthcare in Rhode Island. Our hospitals are at the heart of this system. This bill would have a direct impact on the rising cost of professional liability claims for hospitals. When coupled with low reimbursement rates and ever-increasing expenses, these factors are driving the staffing shortages and flight of professionals to neighboring states that is decreasing access for Rhode Islanders to the healthcare services they need.

We appreciate your consideration and look forward to working with Chairman Solomon and this committee to strengthen the Rhode Island healthcare system.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Tomasso", written over a thin horizontal line.

Lisa P. Tomasso  
Senior Vice President