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To: Senator Jeff King, Chairman
Members of the Senate Judiciary Committee

From: Callie Jill Denton
Executive Director

Date: January 26, 2016

Re: Testimony on SB 96 Enacting the Kansas disclosure of unanticipated medical outcomes and medical errors act; concerning required disclosure policies for unanticipated medical outcomes and medical errors by medical care providers and health care facilities (SUPPORT)

The Kansas Association for Justice (KsAJ) is a professional association of trial attorneys. We commend Mrs. Nancy Clarkson and Melissa Clarkson for their generous desire to help other Kansans and their work to introduce SB 96 following the loss of their husband and father.

KsAJ supports the intent of SB 96: to encourage honest, true communications following an unanticipated medical outcome or medical error. Communications between patient and provider that inform, explain, and express empathy and compassion help to circumvent misunderstandings and unnecessary disputes and to resolve them more quickly if they arise.

Under Kansas law, an adverse result or lack of success from treatment does not mean a health care provider was negligent. The vast majority of the time, doctors and hospitals provide careful and compassionate treatment to their patients. However, SB 96 makes clear that all patients have a right to information. Especially when a patient is seriously, permanently injured or dies due to neglect, that patient, or that patient's family, has a right to know the cause of the tragedy.

On behalf of the members of KsAJ, I request the Committee's support for SB 96.

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