

TO: ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES
FROM: Representative Dan Frankel
SUBJECT: Co-sponsor Legislation – Benevolent Gestures

In the near future I will be re-introducing legislation, entitled “Benevolent Gestures” (HB1804 of 2009-2010), to improve Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statute. This amendment would make any benevolent gesture made prior to the start of a medical liability action by a health care provider, assisted living residence or personal care home inadmissible as evidence of liability or an admission of guilt.

As defined in this legislation, a benevolent gesture is any action that conveys a sense of apology, explanation, or compassion emanating from humane impulses. More than half of the states in the U.S. have already adopted similar laws to exclude such actions as proof of liability. This is being done in an effort to reduce the number of lawsuits filed, and studies have shown that a large percentage of patients and families may not have filed medical malpractice suits if given an explanation and apology regarding the event.

The language in this bill is identical to Senate Bill 208 of 2009-2010, which was introduced by Senator Pat Vance and had the bi-partisan support of nearly 30 Senators.

The previous co-sponsors of this bill were: MANN, CARROLL, CREIGHTON, DENLINGER, J. EVANS, EVERETT, FLECK, GINGRICH, GRELL, HORNAMAN, JOSEPHS, KORTZ, MILNE, MUSTIO, PYLE, READSHAW, ROAE, ROSS, STEVENSON, SWANGER, VULAKOVICH, YOUNGBLOOD and GODSHALL.

If you would like to join me in support of this important legislation, please contact Carrie Goodyear in my office via e-mail (cgoodyea@pahouse.net) or phone (705-7019).