



**Pennsylvania
Psychiatric Society**

The Pennsylvania
District Branch of the
American Psychiatric Association

MEMORANDUM

Date: Nov. 11, 1996

To: Members of the Judiciary Committee, House of Representatives

From: Abram M. Hostetter, MD, for the Pennsylvania Psychiatric Society

Re: HB 2669 - scheduled for hearing on Dec. 12, and Committee action Dec. 13

I am writing as chair of the Pennsylvania Psychiatric Society's Government Relations Committee in regard to House Bill 2669, which would impose liability for damages for causing another person to suffer "severe emotional distress." Our governing Council has not had an opportunity to review the bill, and so we have no official, organizational position to report. Nevertheless, our Government Relations Committee has discussed it and has asked me to offer our thoughts for your consideration.

We have two observations which we would like to offer. One arises directly from our training and experience in dealing on a daily, professional basis with people's emotional lives, and the interaction between their emotions and physical health. "Emotional distress" is too vague, indefinable, unmeasurable, and subjectively experienced by the individual to serve as a realistic or fair solution to the specific problem which prompted introduction of this bill. Exacerbating the problem would be the difficulty of proving causation. In many cases, emotional distress, while very real, is actually the result of numerous stressful factors, some of which may be internally rather than externally caused. HB 2669 does not take these realities into consideration.

Second, we note that the situation which prompted this bill was caused by someone acting within her legal rights regarding the matters relating to her husband's death. Although we are not legal experts, we would respectfully suggest that it might be more useful and logical to change the domestic relations laws, making specific provisions for cases in which one member of a separated couple dies prior to the completion of a divorce process. This course offers the advantage of attacking the cause of the problem directly, rather than the emotions and attitudes of the people involved.

As always, we appreciate the opportunity to comment, and hope you will find our remarks and suggestions useful as you decide on your response to HB 2669.

cc: William R. Dubin, MD, President
Gwen Yackee Lehman

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