

MICHIGAN STATE MEDICAL SOCIETY

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MEMO TO: Senate Judiciary Committee
FROM: Daniel Michael, MD
RE: Senate Bill 53

On behalf of the 16,000 physicians of the Michigan State Medical Society (MSMS), I am writing to support Senate Bill 53. Senate Bill 53 seeks to bring Michigan into line with the majority of other states in terms of providing clear protections for physicians who wish to be compassionate to their patients and express sympathy without that statement later being construed as an admission of guilt.

Senate Bill 53 eliminates any uncertainty physicians currently face when addressing their patients or their family members. Physicians are often left in a difficult position of wanting to acknowledge the concerns of their patient while facing the reality that such statements could eventually be misinterpreted if a lawsuit is filed. Senate Bill 53 simply allows physicians the opportunity to fulfill their professional obligation to care for the patient, even if an outcome is not optimal. So at precisely the time the physician feels most compelled to offer a sign of compassion or sympathy, the reality of exposing themselves to legal liability often outweighs the perceived benefit.

Senate Bill 53 is the first step in creating more open and compassionate communication between physicians and their patients. Physicians and insurers can now have assurance that these types of conversations between physicians and patients will not create a liability risk. As has been the case in other changes to the law, insurance policies will begin to reflect this change to the admissions of sympathy.

The costs associated with a lawsuit are significant in terms of the financial and human toll it takes on all of the parties involved. Lawsuits that can be prevented through the simple act of expressing sympathy will reduce health care costs and allow doctors to be more compassionate. For these reasons, MSMS supports Senate Bill 53

