

**HOUSE . . . . . No. 1678**

---

The Commonwealth of Massachusetts

PRESENTED BY:

*Steven M. Walsh*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to clarify the reporting of medical liability claims.

PETITION OF:

NAME:

*Steven M. Walsh*

DISTRICT/ADDRESS:

*11th Essex*

**HOUSE . . . . . No. 1678**

---

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 1678) of Steven M. Walsh for legislation to clarify the reporting of medical liability claims. The Judiciary.

---

The Commonwealth of Massachusetts

—————  
**In the Year Two Thousand Thirteen**  
—————

An Act to clarify the reporting of medical liability claims.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 112 Section 5 of the Massachusetts General Laws as appearing in the 2008  
2 Official edition is hereby amended by the insertion after the word “years.” in line 78 of the  
3 following:

4 Provided, however, that payments made as part of a disclosure, apology and early offer  
5 program, shall not be construed to be reportable against a physician identified during the root  
6 cause analysis conducted as part of a disclosure, apology and early offer program, absent a  
7 determination of substandard or unreasonable care rendered on the part of said physician. For  
8 purposes of this section a disclosure, apology and early offer program shall be a program that  
9 seeksto expedite resolution of incidents of medical injury by disclose to patients and families  
10 when unanticipated adverse outcomes of care occur; investigate and explain what happened;  
11 implement systems to avoid recurrence of incidents and improve patient safety; and where  
12 appropriate, apologize and offer financial compensation without the patient having to file a  
13 lawsuit.

14 Chapter 112, Section 5C of the Massachusetts General Laws as appearing in the 2008  
15 Official edition is hereby amended by insertion after the word “insured” in line 10 the following:

16 (d) Provided, however, that payments made as part of a disclosure, apology and early  
17 offer program, shall not be construed to be reportable against a physician identified during the  
18 root cause analysis conducted as part of a disclosure, apology and early offer program, absent a  
19 determination of substandard or unreasonable care rendered on the part of said physician. For  
20 purposes of this section a disclosure, apology and early offer program shall be a program that  
21 seeksto expedite resolution of incidents of medical injury by disclose to patients and families

22 when unanticipated adverse outcomes of care occur; investigate and explain what happened;  
23 implement systems to avoid recurrence of incidents and improve patient safety; and where  
24 appropriate, apologize and offer financial compensation without the patient having to file a  
25 lawsuit.