

REPORT OF THE BOARD OF DIRECTORS

SUBJECT: Resolution 5-2014 - Transparency in Patient Communication and Apology in the Professional Context

PRESENTED BY: Robert E. Schaaf, MD, President

REFERRED TO: Reference Committee

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1 Resolution 5-2014 - Transparency in Patient Communication and Apology in the Professional  
2 Context was introduced at the 2014 Annual Meeting of the House of Delegates by The Greater  
3 Greensboro Society of Medicine.

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5 The Resolution called for the NCMS to adopt the following:

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7 RESOLVED, That the North Carolina Medical Society work to amend the language of NCGS 8C-1  
8 article 4, rule 413 to provide that all statements, affirmations, gestures, activities, or conduct  
9 expressing benevolence, regret, apology, sympathy, commiseration, condolence, compassion,  
10 mistake, error or a general sense of benevolence that are made by a physician to the patient, to  
11 a relative of the patient or to a representative of the patient, shall be inadmissible as evidence  
12 and shall not constitute an admission of liability or an admission against interest (**action**).

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14 The House of Delegates voted to refer the Resolution to the Board of Directors for **study and**  
15 **report back**. The NCMS Board of Directors referred Resolution 4-2014 to the Legislative  
16 Cabinet.

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18 The Legislative Cabinet's discussion centered on the balance between the political landscape  
19 and the necessity of such a change as is proposed in this resolution. Many of the Cabinet  
20 members shared a belief that this was a push too far. A change of this degree of detail to the  
21 current NC apology statute would draw a great deal of attention to all of the changes  
22 successfully put in place in 2011. The limited impact of the apology statute did not outweigh  
23 the protection of the broader package of reforms that have led to a massive change in the tort  
24 environment for North Carolina since passage. The Cabinet thought it best to continue to study  
25 the changing political landscape to anticipate a future opportunity to address this specific  
26 change requested.  
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1 **RECOMMENDATION**

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3 That Resolution 5-2014 - Transparency in Patient Communication and Apology in the  
4 Professional Context be further studied for report back.

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Fiscal Note: No additional funding above current resources estimated. Current resources will be allocated based on the priorities of the Society and the NCMS budget.