

"Sorry" is never enough: how state apology laws fail to reduce medical malpractice liability risk.

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Prior research has shown that patients prefer that errors and adverse events be fully [disclosed](#) to them by their providers. However, physicians may be hesitant to simultaneously express [empathy](#) out of fear that such an expression could be taken as an admission of fault that might result in litigation. As a result, 38 states and the District of Columbia passed [apology laws](#), designed to make such apologetic statements inadmissible in court, but the effect of such laws on [medical malpractice](#) remains unknown. Using a dataset obtained from a large malpractice insurer, researchers analyzed claims against 90% of United States physicians by specialty over 8 years. They found that for physicians in nonsurgical fields, apology laws increased the risk of experiencing litigation as well as the average dollar amount paid to settle a claim. They did not find such an effect for surgeons. A past [PSNet interview](#) highlighted the challenges associated with disclosure and apology.