



New Hampshire State Senate **NEWS RELEASE**

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Senate proposes better way to settle medical injury claims

SB 406 creates "early offer" mechanism to avoid expensive litigation and lower medical costs

CONCORD – Calling it an innovative approach to settling medical liability claims and lowering medical costs, the Senate introduced SB 406 today -- legislation supported by the NH Hospital Association, NH Medical Society, NH Dental Association and the Business & Industry Association, along with injured patients.

The highlights of SB 406/NH Early Offer include:

- Giving injured persons the option to pursue a full and fair recovery in a few months instead of years of costly litigation and the risk that the injured person could lose in court.
- Preserving the injured person's right to go to court, if he/she wishes to do so.
- Reducing dramatically the cost of resolving medical injury claims.

Senate Majority Leader Jeb Bradley, R-Wolfeboro, introduced the bill at a news conference at the Legislative Office Building surrounded by supporters. He called SB 406 a win-win for both patients and providers saying, "This is a new approach to resolving medical liability claims, it's an idea that has a great deal of merit. The bill includes an 'early offer' mechanism that can help avoid expensive litigation which, in turn, also reduces the uncertainty for both patients and providers regarding how a case will be resolved. I'm hoping this bill fares well because it could make a very positive difference for all those involved in malpractice lawsuit."

Doug Dean, who serves as President/CEO of Elliot Hospital, attended representing both the hospital and the NH Hospital Association. In supporting SB 406, he also focused on the often protracted legal process noting that the state's Department of Insurance estimates under the current system, it takes an average of 44 months (just under four years) to resolve a medical injury claim. "Instead of creating a hostile and combative claim process that can be lengthy and drawn out, NH Early Offer seeks to bring patients and physicians together to work out an efficient resolution that benefits both parties," he said.

Jeffrey O'Connell, a professor at the University of Virginia School of Law, is recognized as the creator of the "Early Offer" plan. He described his motivation behind the idea saying, "I wanted to develop a less adversarial and more collaborative process to result in a quicker, more efficient, and less costly process to benefit patients, providers and insurers." In his opinion, taking an early offer is a better option than fighting a claim that involves defending fault and reputation over what is often an unfortunate mistake.

Offering the injured patient perspective was Nan Stearns from Amherst. She suffered an injury from her medical provider in 1995 during an operation to repair her broken femur following a skiing accident. Stearns shared that her litigation process lasted six years and that she is advocating for the passage of SB 406 because she is motivated to help make the process easier for the next person. Stearns added, "If a program like NH Early Offer had been available to me back then, I would have used it without question. It would have sped up the process, given me resolution, and most importantly, would have enabled my husband and me to move on with our lives."

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