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Does Sorry Work? Apologies in Medical Malpractice: The Impact of “Apology” Laws

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12:00 PM - UC Spindletop Room 242

Abstract: Apologies made by physicians for adverse medical events have been identified as an important factor in whether patients file lawsuits. However, stigmas such as admission of guilt may discourage physicians from apologizing more frequently. An "Apology Law," which specifies that a physician's apology is inadmissible in court, is written to encourage patient-physician communication. Building on game theoretic work, we examine whether apology laws at the state-level have an impact on malpractice lawsuits and settlements. Using a differences-in-differences estimation, we find that state-level apology laws could expedite the settlement process and increase the number of settlements by 15% within 3 to 5 years of adopting the laws. We also find that apology laws help reduce the payments on settlements with more severe outcomes.

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