



On September 12, 2017, the Ohio Supreme Court ruled a medical provider's apology to a patient or their family was inadmissible at trial, even if it included an admission of fault. In *Stewart v. Vivian*, 2017-Ohio-7256, the Supreme Court held O.R.C. 2317.43, Ohio's "apology statute," covered all apologies, regardless of whether or not they included an admission of fault.

Although the statute does not actually define "apology," the Supreme Court determined the term was not ambiguous, and that an apology "may include an acknowledgment that the patient's medical care fell below the standard of care." They rejected the Plaintiff's argument that the statute only protected "pure apologies" and not admissions of fault. The key factor for the Supreme Court was whether the statement expressed regret for the patient's outcome, and if it did, then it was an apology.

This decision is in line with the Legislature's intent, and enables medical providers to be freely empathetic with their patients and their families, without fearing that their compassion will later be turned against them.

To read the decision in its entirety, please see the link below.

If you have any questions about this decision or its impact, please feel free to contact our law firm.

