

## Message from the Governor

There have been instances in the past 34 years where health care providers have caused harm to consumers through the use of deceptive practices and statements, and Kansans were able to use the Kansas Consumer Protection Act to seek redress. This bill, however, would make the entire health care industry immune from liability for such practices. I agree with Attorney General Paul Morrison's statement that "No single industry can justify a special exemption from 'deceptive' and 'unconscionable' acts." One can only expect that other professions would be encouraged to seek their own exemptions should this bill become law.

Current law only allows a consumer protection claim to be made against a health care provider when there's evidence that provider engaged in deceptive or unconscionable acts. These claims have been brought in the past where deceptive practices occurred. Ordinary medical malpractice claims do not involve deceptive practices and cannot not be brought under the Kansas Consumer Protection Act, even after the Kansas Supreme Court's decision in *Williamson v. Amrani*, therefore it is hard to see how the court's decision will result in any increase in litigation.

The vast majority of health care professionals uphold the highest standards and operate in a manner that is beyond reproach. However, as with every industry, there are those who seek to commit deliberate deception. Therefore, to protect Kansans from deceptive practices, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto Senate Bill 55.

Date: April 20, 2007

Signed: Kathleen Sebelius, Governor