

HOUSE BILL 635

D3
HB 279/09 – JUD

4lr0950

By: **Delegates George, Afzali, Arora, Bates, Cluster, Elliott, Fisher, Frank, Glass, Hough, Impallaria, Kipke, Krebs, McComas, McDermott, McDonough, W. Miller, Morhaim, Myers, Parrott, Ready, Serafini, Sophocleus, Stocksdales, and Szeliga**

Introduced and read first time: January 30, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Malpractice – Expression of Regret or Apology – Inadmissibility**

3 FOR the purpose of repealing a certain exception to the provision of law that a certain
4 expression of regret or apology made by a health care provider is inadmissible
5 for certain purposes in a certain proceeding or civil action; providing for the
6 application of this Act; and generally relating to the admissibility of an
7 expression of regret or apology in certain health care malpractice proceedings or
8 actions.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 10–920
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2013 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Courts and Judicial Proceedings**

17 10–920.

18 (a) In this section, “health care provider” has the meaning stated in §
19 3–2A–01 of this article.

20 (b) [(1) Except as provided in paragraph (2) of this subsection, in] IN a
21 proceeding subject to Title 3, Subtitle 2A of this article or a civil action against a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 health care provider, an expression of regret or apology made by or on behalf of the
2 health care provider, including an expression of regret or apology made in writing,
3 orally, or by conduct, is inadmissible as evidence of an admission of liability or as
4 evidence of an admission against interest.

5 [(2) An admission of liability or fault that is part of or in addition to a
6 communication made under paragraph (1) of this subsection is admissible as evidence
7 of an admission of liability or as evidence of an admission against interest in an action
8 described under paragraph (1) of this subsection.]

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
10 construed to apply only prospectively and may not be applied or interpreted to have
11 any effect on or application to any cause of action arising before the effective date of
12 this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2014.