

2024 -- H 7169

LC004034

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY --
EVIDENCE

Introduced By: Representatives Craven, Caldwell, Shanley, and O'Brien

Date Introduced: January 11, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 9-19 of the General Laws entitled "Evidence" is hereby amended by
2 adding thereto the following section:

3 **9-19-45. Statements or conduct expressing apology, regret, condolence by health care**
4 **provider; admissibility.**

5 (a) For the purposes of this section, the following words shall have the following meanings:

6 (1) "Health care facility" means any institutional health service provider licensed pursuant
7 to the provisions of chapter 17 of title 23.

8 (2) "Health care provider" or "provider" shall have the same meaning as the meaning
9 contained in § 5-37.3-3.

10 (3) "Relative" means a patient's spouse, parent, grandparent, stepparent, child, grandchild,
11 brother, sister, half-brother, half-sister, uncle, aunt, adopted children of parent, or spouse's parents,
12 whether by whole or half blood, adoption or marriage.

13 (4) "Representative" means a legal guardian, attorney, health care representative or any
14 person recognized in law or custom as a patient's agent.

15 (5) "Unanticipated outcome" means the outcome of a medical treatment or procedure that
16 differs from an expected result of such medical treatment or procedure.

17 (b) In any claim, complaint or civil action brought against a health care facility or provider
18 by or on behalf of a patient allegedly experiencing an unanticipated outcome, or in any arbitration

1 proceeding or other method of alternative dispute resolution that relates to the claim, complaint or
2 civil action, and in any judicial or administrative proceeding against a health care facility or
3 provider, the following shall be inadmissible as evidence of an admission of liability or as evidence
4 of an admission against interest:

5 (1) Any and all statements, affirmations, gestures, writings, other than writings in medical
6 records, activities or conduct expressing apology, fault, responsibility, liability, benevolence,
7 commiseration, condolence, compassion, error, mistake, regret, sympathy, or a general sense of
8 concern which are made by a health care facility, a health care provider, or an employee or agent
9 of a health care facility or provider, to the patient, the patient's relative, or a representative of the
10 patient which relate to any alleged discomfort, pain, suffering, injury, or death of the patient as a
11 result of the unanticipated outcome.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would provide that statements by a health care provider to a patient or to the
2 patient's relative or representative regarding the unanticipated outcome of such patient's medical
3 care and treatment, such as an apology or an expression of sympathy, shall be inadmissible as
4 evidence of an admission of liability or as evidence of an admission against interest in any claim
5 or action against the provider.

6 This act would take effect upon passage.

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