

2022 -- H 7460

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LC003491
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY -
EVIDENCE

Introduced By: Representatives McNamara, Serpa, Fellela, Kazarian, and Bennett

Date Introduced: February 11, 2022

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. Admissibility of health care providers' expression of sympathy.**

4 (a) For the purposes of this section:

5 (1) "Family" means the spouse, parent, grandparent, stepparent, child, grandchild, brother,
6 sister, uncle, aunt, and spouse's parents, whether by whole or half blood, adoption or marriage, of
7 a patient;

8 (2) "Health care facility" means any institutional health service provider licensed pursuant
9 to the provisions of chapter 17 of title 23;

10 (3) "Health care provider" or "provider" means a physician, hospital, pharmacy, laboratory,
11 dentist, or other state licensed or other state recognized provider of health care services or supplies,
12 and whose services are defined as "medical care" pursuant to the Internal Revenue Code, 26 U.S.C.
13 § 213(d). It includes a person licensed or certified in this state to practice medicine, pharmacy,
14 chiropractic, nursing, physical therapy, podiatry, dentistry, optometry, occupational therapy, or
15 other healing arts; and

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

18 (b) In any claim or civil action against a health care provider or health care facility, or in

1 any arbitration proceeding or other method of alternative dispute resolution that relates to the claim
2 or civil action, and in any civil or administrative proceeding against a health care provider or health
3 care facility, any and all statements, writings, gestures, or affirmations made by a health care
4 provider or an employee of a health care provider that express apology, sympathy, compassion,
5 condolence, or benevolence relating to the pain, suffering, or death of a patient as a result of an
6 unanticipated outcome of medical care, that is made to the patient, the patient's family, or a friend
7 of the patient or the patient's family shall be inadmissible as evidence of an admission of liability
8 or in any way to prove negligence or culpable conduct, with the exception of an express admission
9 of liability or fault.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide that certain statements by a health care provider to a patient or to
2 the patient's family regarding the outcome of such patient's medical care and treatment, such as an
3 apology or expression of sympathy, shall be inadmissible as evidence as an admission of liability
4 in any claim or action against the provider. This act would provide for an exception to the
5 inadmissibly with respect to an admission of liability or fault.

6 This act would take effect upon passage.

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