



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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February 24, 2011

Madam Speaker:

The Judiciary Committee reports a favorable recommendation on **H.J.R. 38**, JOINT RESOLUTION TO AMEND RULE OF EVIDENCE, by Representative J. Dunnigan, with the following amendments and recommends it be placed on the Consent Calendar.

1. *Page 2, Lines 28 through 30:*

28           (b) Evidence of unsworn statements, affirmations, gestures, or conduct made to a  
29           patient or a person associated with the patient by a defendant that expresses  
30           the following is not admissible in a malpractice action against a health care provider or an  
              employee of a health care provider to prove liability for an injury:

2. *Page 2, Lines 43 through 47:*

43           The intent and purpose of amending the rule with paragraph (b) is to encourage  
44           expressions of apology, empathy, and condolence and the disclosure of facts and  
              circumstances  
45           related to unanticipated outcomes in the provision of health care in an effort to facilitate  
              the  
46           timely and satisfactory resolution of patient concerns arising from unanticipated outcomes  
              in  
47           the provision of health care. **Patient records are not statements made to patients, and**  
              **therefore are not inadmissible under this rule.** "

Respectfully,

Kay L. McIff  
Committee Chair

Voting: 13-0-0

4 HJR038.HC1.WPD 2/24/11 9:25 am /JDH ECM/JDH

Bill Number



HJR038

Action Class



H

Action Code



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