

Representative Bradley G. Last proposes the following substitute bill:

JOINT RESOLUTION ON HOSPITAL CLAIMS

MANAGEMENT

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley G. Last

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This joint resolution amends a rule of evidence relating to expressions of apology in medical malpractice actions.

Highlighted Provisions:

This resolution:

- ▶ amends Rule 409 of the Utah Rules of Evidence; and
- ▶ makes expressions of apology, sympathy, condolences, and the like inadmissible against the health care provider.

Special Clauses:

This resolution provides an immediate effective date.

Utah Rules of Evidence Affected:

AMENDS:

Rule 409, Utah Rules of Evidence

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend



26 rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of
27 all members of both houses of the Legislature:

28 Section 1. **Rule 409**, Utah Rules of Evidence is amended to read:

29 **Rule 409. Payment of medical and similar expenses; expressions of apology.**

30 (a) Evidence of furnishing or offering or promising to pay medical, hospital, or similar
31 expenses occasioned by an injury is not admissible to prove liability for the injury.

32 (b) Statements, expressions, or conduct that express apology, sympathy,
33 commiseration, condolence, compassion, or general sense of benevolence, or describe the
34 sequence of events relating to the unanticipated outcome of medical care or the significance of
35 events or both are not admissible against a health care provider or an employee of a health care
36 provider to prove liability for an injury.

37 Section 2. **Effective date.**

38 This resolution takes effect upon approval by a constitutional two-thirds vote of all
39 members elected to each house.

H.J.R. 34 1st Sub. (Buff) - Joint Resolution on Hospital Claims Management

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
