

H.J.R. 38

JOINT RESOLUTION TO AMEND RULE OF EVIDENCE

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 23, 2011 5:57 PM

Representative **James A. Dunnigan** proposes the following amendments:

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

28 (b) Evidence of unsworn statements, affirmations, gestures, or conduct **made to a patient or a person**
29 **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. "