

BY: Senator Harris

AMENDMENTS TO SENATE BILL NO. 836

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “of” insert “repealing a provision that provides that a certain admission of liability or fault in conjunction with a certain expression of regret or apology by a certain health care provider is admissible under certain rules of evidence in a certain civil proceeding;”.

On page 3, after line 8, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 10-920

Annotated Code of Maryland

(2002 Replacement Volume and 2004 Supplement)

(As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special Session)”.

AMENDMENT NO. 2

On page 4, after line 35, insert:

“Article - Courts and Judicial Proceedings

10-920.

(a) In this section, “health care provider” has the meaning stated in § 3-2A-01 of this article.

(b) [(1) Except as provided in paragraph (2) of this subsection, in] IN a proceeding subject to Title 3, Subtitle 2A of this article or a civil action against a health care provider, an

(Over)

expression of regret or apology made by or on behalf of the health care provider, including an expression of regret or apology made in writing, orally, or by conduct, is inadmissible as evidence of an admission of liability or as evidence of an admission against interest.

[(2) An admission of liability or fault that is part of or in addition to a communication made under paragraph (1) of this subsection is admissible as evidence of an admission of liability or as evidence of an admission against interest in an action described under paragraph (1) of this subsection.]”.