
By: **Delegates Zirkin, Morhaim, Aumann, Boteler, Cardin, DeBoy, Frank,
Jennings, McComas, McMillan, Shank, Sophocleus, and Trueschler**

Introduced and read first time: January 17, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Evidence - Health Care Malpractice - Certain Statements and Conduct**

3 FOR the purpose of prohibiting the use of certain statements and conduct relating to
4 health care in certain civil actions and proceedings as evidence of an admission
5 of liability; defining certain terms; providing for the application of this Act; and
6 generally relating to evidence in certain civil actions and proceedings.

7 BY adding to
8 Article - Courts and Judicial Proceedings
9 Section 10-920
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2004 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Courts and Judicial Proceedings**

15 10-920.

16 (A) IN THIS SECTION, "HEALTH CARE PROVIDER" HAS THE MEANING STATED
17 IN § 3-2A-01 OF THIS ARTICLE.

18 (B) FOR THE PURPOSE OF ANY CIVIL ACTION OR ADMINISTRATIVE
19 PROCEEDING AGAINST A HEALTH CARE PROVIDER, AN EXPRESSION OF REGRET OR
20 APOLOGY MADE BY OR ON BEHALF OF THE HEALTH CARE PROVIDER, INCLUDING AN
21 EXPRESSION OF REGRET OR APOLOGY MADE IN WRITING, ORALLY, OR BY CONDUCT,
22 IS INADMISSIBLE AS AN ADMISSION OF LIABILITY FOR ANY PURPOSE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
24 construed to apply only prospectively and may not be applied or interpreted to have
25 any effect on or application to any civil action or administrative proceeding initiated
26 before the effective date of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005.