

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 114  
Judiciary

(Delegate Zirkin, *et al.*)

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

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This bill provides that for the purpose of any civil action or administrative proceeding against a health care provider, an expression of regret or apology made in writing, orally, or by conduct is inadmissible as an admission of liability for any purpose.

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**Fiscal Summary**

**State Effect:** The bill would not materially affect governmental finances or operations.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** In a proceeding brought under the provisions governing a health care malpractice action or a civil action against a health care provider, an apology or an expression of regret made on behalf of a health care provider is inadmissible as evidence of an admission of liability or as evidence of an admission against interest. An admission of liability or fault that is part of or in addition to an apology or expression of regret is admissible as evidence of an admission of liability or as evidence of an admission against interest.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Maryland Insurance Administration, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2005  
mp/jr

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