

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 607
Judiciary

(Delegate Kelly, *et al.*)

Health Care Malpractice - Expression of Regret or Apology - Inadmissibility

This bill amends current law prohibiting the admission of an expression of regret or apology made by or on behalf of the health care provider as evidence of an admission of liability or an admission against interest. The bill repeals the exception to the prohibition that permits evidentiary use of an admission of liability or fault that is part of or in addition to communication of an expression of regret or apology.

Fiscal Summary

State Effect: The bill would not directly affect State finances or operations.

Local Effect: The bill would not directly affect local finances or operations.

Small Business Effect: Potential minimal.

Analysis

Current Law/Background: State law currently prohibits the evidentiary use of an admission of regret or apology made by or on behalf of a health care provider in a civil action against the provider. This prohibition applies to expressions made orally, in writing, or by conduct, and it bars the use of the expression as evidence of an admission of liability or an admission against interest. Under the current law's single exception, admissions of liability or fault that are made as part of or in addition to an admission of regret or apology *are* admissible as evidence.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Health Claims Alternative Dispute Resolution Office; Maryland Insurance Administration; Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2008
mcp/jr

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