

# HOUSE BILL 279

D3  
HB 607/08 – JUD

9lr1912

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By: **Delegates Frank and Morhaim**  
Introduced and read first time: January 29, 2009  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Malpractice – Expression of Regret or Apology – Inadmissibility**

3 FOR the purpose of repealing a certain exception to the provision of law that a certain  
4 expression of regret or apology made by a health care provider is inadmissible  
5 for certain purposes in a certain proceeding or civil action; providing for the  
6 application of this Act; and generally relating to the admissibility of an  
7 expression of regret or apology in certain health care malpractice proceedings or  
8 actions.

9 BY repealing and reenacting, with amendments,  
10 Article – Courts and Judicial Proceedings  
11 Section 10–920  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2008 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 10–920.

18 (a) In this section, “health care provider” has the meaning stated in §  
19 3–2A–01 of this article.

20 (b) [(1) Except as provided in paragraph (2) of this subsection, in] **IN** a  
21 proceeding subject to Title 3, Subtitle 2A of this article or a civil action against a  
22 health care provider, an expression of regret or apology made by or on behalf of the  
23 health care provider, including an expression of regret or apology made in writing,  
24 orally, or by conduct, is inadmissible as evidence of an admission of liability or as  
25 evidence of an admission against interest.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
6 construed to apply only prospectively and may not be applied or interpreted to have  
7 any effect on or application to any cause of action arising before the effective date of  
8 this Act.

9            SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2009.