

SENATE BILL 358

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SB 906/09 – SRU

0lr0855

By: **Senators Muse and Brochin**
Introduced and read first time: January 28, 2010
Assigned to: Judicial Proceedings

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 2009 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.

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, 2010.