SECTION 1. Chapter 9-19 of the General Laws entitled “Evidence” is hereby amended by adding thereto the following section:

9-19-45. Admissibility of health care providers’ reports of medical and health care errors. – (a) For the purposes of this section:

(1) “Family” means the spouse, parent, grandparent, step-parent, child, grandchild, brother, sister, half-brother, half-sister, uncle, aunt, adopted children of parent, or spouse’s parents, whether by whole or half blood, adoption or marriage, of a patient;

(2) “Health care facility” means any institutional health service provider licensed pursuant to the provisions of chapter 17 of title 23;

(3) “Health care provider” or “provider” shall have the same meaning as the meaning contained in subdivision 23-17.13-2(9); and

(4) “Unanticipated outcome” means the outcome of a medical treatment or procedure that differs from an expected result.

(b) In any claim or civil action against a health care provider or health care facility, or in any arbitration proceeding or other method of alternative dispute resolution that relates to the claim or civil action, and in any civil or administrative proceeding against a health care provider or health care facility, the following shall be inadmissible as evidence of an admission of liability or in any way to prove negligence or culpable conduct:
(1) Any and all statements, writings, gestures, or affirmations made by a health care
provider or an employee of a health care provider that express apology, sympathy, compassion,
condolence, or benevolence relating to the pain, suffering, or death of a patient as a result of an
unanticipated outcome of medical care, that is made to the patient, the patient’s family, or a friend
of the patient or the patient’s family, with the exception of the admission of liability or fault.

SECTION 2. This act shall take effect upon passage.
This act would provide that statements by a health care provider to a patient or to the patient’s family regarding the outcome of such patient’s medical care and treatment such as an apology or expression of sympathy shall be inadmissible as evidence or an admission of liability in any claim or action against the provider.

This act would take effect upon passage.