

SENATE BILL No. 32

By Committee on Public Health and Welfare

1-15

9 AN ACT concerning evidence in civil actions; expression of apology, sym-
10 pathy, compassion or benevolent acts by health care providers not ad-
11 missible as evidence of an admission of liability or as evidence of an
12 admission against interest.
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. (a) No oral or written statements or notations, affirma-
16 tions, gestures, conduct or benevolent acts including waiver of charges
17 for medical care provided, expressing apology, fault, sympathy, commis-
18 eration, condolence or compassion which are made by a health care pro-
19 vider or an employee of a health care provider to a patient, a relative of
20 the patient or a representative of the patient and which relate to the
21 discomfort, pain, suffering, injury or death of the patient as the result of
22 the unanticipated outcome of medical care shall be admissible as evidence
23 of an admission of liability or as evidence of an admission against interest.

24 (b) As used in this section:

25 (1) "Health care provider" has the meaning prescribed in K.S.A. 65-
26 4915, and amendments thereto.

27 (2) "Relative" means a patient's spouse, parent, grandparent, step-
28 father, stepmother, child, grandchild, brother, sister, half-brother, half-
29 sister or spouse's parents. The term includes such relationships that are
30 created as a result of adoption and any person who has a family-type
31 relationship with a patient.

32 (3) "Representative" means a legal guardian, attorney, person des-
33 ignated to make decisions on behalf of a patient under a medical power
34 of attorney or any person recognized in law or custom as a patient's agent.

35 (4) "Unanticipated outcome" means the outcome that differs from
36 the anticipated outcome of a treatment or procedure.

37 Sec. 2. This act shall take effect and be in force from and after its
38 publication in the statute book.