



Issue

Highly likely for the next few years... the issue of doctor apologies...

Current state of affairs... the need for a national standard...

Considerations

CCHRF's work... the importance of a coalition... the role of state activity...

State Activity

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AAFP Policy

Vj g CCHR Rt qh gu k q p c n O g f k e c n N k e d k r k v { r q r k e { o c { d g x l g y g f " q p r k p g 0 "

Vj g CCHR Medical Liability Strike Force Report o c { d g x l g y g f c v j w < l o g o d g t u c h r q t i l o g o d g t u l R t g D w k v l e q p i t g u a d q c t f t g r q t v k f h *Members Only+

State	Doctor Apologies
Alabama	<i>No provision.</i>
Alaska	<i>No provision.</i>
Arizona	Enacted 2005: §12-2605. Any statement or conduct expressing apology, responsibility or sympathy made by health care provider to patient or patient's relative relating to injury is inadmissible as evidence of admission of liability or against interest.
Arkansas	<i>No provision.</i>
California	<i>No provision.</i>
Colorado	§13-25-135. Statements or conduct by health care provider expressing apology, sympathy or fault to victim or relative of victim relating to suffering or injury inadmissible as evidence of admission of liability or against interest.
Connecticut	Enacted 2005: §52-195-8. Any statements or conduct expressing apology, sympathy or fault made by health care provider to victim or relative of victim relating to pain or injury inadmissible as evidence of admission of liability or against interest.
Delaware	<i>No provision.</i>
Florida	§90.4026. Statements or gestures expressing sympathy relating to the pain or death of person involved in an accident to person or family member inadmissible as evidence in civil action; statement of fault admissible. In general evidence rules, not solely for medical liability actions.
Georgia	Enacted 2005: §24-3-37.1. In any medical malpractice civil action, any statements or conduct expressing apology, sympathy, mistake or error made by a health care provider to the patient or relative or representative of the patient is inadmissible as evidence of admission of liability or against interest.
Hawaii	<i>No provision.</i>
Idaho	<i>No provision.</i>
Illinois	Enacted 2005: §735 5/8-1901. Any expression of apology or explanation provided by health care provider to patient, family or legal representative about inadequate or unanticipated outcome provided within 72 hours of provider's knowledge of potential cause not be admissible as evidence in any action of any kind.
Indiana	<i>No provision.</i>
Iowa	<i>No provision.</i>
Kansas	<i>No provision.</i>
Kentucky	<i>No provision.</i>
Louisiana	Enacted 2005: RS §13:3715.5. Any communication or conduct by health care provider expressing apology or regret, made to patient or patient's relative inadmissible as admission of liability or against interest. Statement of fault is admissible.
Maine	Enacted 2005: §24.2908. Any statement or conduct by health care practitioner expressing apology, regret or fault made to patient or relative inadmissible as admission of liability or against interest.
Maryland	§10-920. Any expression by health care provider expressing apology or regret inadmissible as admission of liability or against interest. Statement of liability or fault is admissible.
Massachusetts	§233.23D. Statements or gestures expressing sympathy relating to pain or death of person involved in accident made to person or family inadmissible as evidence of admission of liability. Not exclusive to medical profession.
Michigan	<i>No provision.</i>

State	Doctor Apologies
Minnesota	<i>No provision.</i>
Mississippi	<i>No provision.</i>
Missouri	Enacted 2005: §538.229. Statements or gestures expressing sympathy by health care provider relating to pain or suffering made to person or family inadmissible as admission of liability. Statement of fault admissible.
Montana	Enacted 2005: §26.1.1. Any statement or conduct expressing apology or sympathy relating to pain or death of a person made to person, family or friend , not admissible for any purpose in medical malpractice action.
Nebraska	<i>No provision.</i>
Nevada	<i>No provision.</i>
New Hampshire	Enacted 2005: §507-E:4. Any statement or action expressing sympathy or commiseration relating to pain or death of individual made to individual or family is inadmissible as admission of liability. Does not apply to statement of fault or negligence.
New Jersey	<i>No provision.</i>
New Mexico	<i>No provision.</i>
New York	<i>No provision.</i>
North Carolina	§8C-4.413. Statements by health care provider to apologize for treatment not admissible to prove negligence or culpable conduct.
North Dakota	<i>No provision.</i>
Ohio	§2317.43. Any statements or conduct expressing apology or sympathy made by health care provider to alleged victim or relative relating to injury or death inadmissible as admission of liability or against interest.
Oklahoma	§63-1-1708.1H. Expression of apology or sympathy by health care provider not admissible as admission of liability.
Oregon	§677.082. Any expression of regret or apology made by person licensed by Board of Medical Examiners does not constitute admission of liability in civil action.
Pennsylvania	<i>No provision.</i>
Rhode Island	<i>No provision.</i>
South Carolina	<i>No provision.</i>
South Dakota	Enacted 2005: HB 1148. No apology, offer of corrective treatment, or gratuitous act of assistance made by health care provider is admissible to prove negligence. Statement constituting admission against interest is admissible.
Tennessee	<i>No provision.</i>
Texas	<i>No provision.</i>
Utah	<i>No provision.</i>
Vermont	<i>No provision.</i>
Virginia	Enacted 2005: §8.01-581.20:1. Any statement, writing or conduct made by health care provider to patient or relative or representative of patient inadmissible as evidence of admission of liability or against interest. Statement of fault admissible.
Washington	<i>No provision.</i>
West Virginia	Enacted 2005: §55.7.11. Any statement or conduct of healthcare provider expressing apology or condolence to patient, or relative or representative of patient relating to pain, injury or death of patient is inadmissible as evidence of admission of liability or against interest.

State	Doctor Apologies
Wisconsin	<i>No provision.</i>
Wyoming	<p>§1.1.130. Any statement or conduct expressing apology or sympathy made by health care provider to alleged victim, or relative or representative of alleged victim relating to pain, injury or death is inadmissible as evidence of admission of liability or against interest.</p>

Source: National Conference of State Legislatures. *State Medical Malpractice Laws: Section 1.* (<http://www.ncsl.org/standcomm/sclaw/statelaws1.htm>, accessed 13 October 2005.)

Additional Information

The Sorry Works! Coalition may be found at <http://www.sorryworks.net/>