

JAN 26 2006

JUDICIARY

HOUSE FILE

2150

BY UPMEYER

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to evidence of regret or apology made by a
2 physician or surgeon, osteopathic physician or surgeon, or a
3 dentist in any civil action for personal injury or death.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2150

1 Section 1. NEW SECTION. 147.140 EVIDENCE OF REGRET OR
2 APOLOGY.

3 In any civil action for personal injury or wrongful death
4 against any physician or surgeon licensed pursuant to chapter
5 148, osteopathic physician or surgeon licensed pursuant to
6 chapter 150A, or dentist licensed pursuant to chapter 153,
7 based upon the alleged negligence of the licensee in the
8 practice of that profession or occupation, any statement,
9 affirmation, gesture, or conduct expressing apology,
10 responsibility, liability, sympathy, consideration,
11 condolence, or a general sense of benevolence that was made by
12 a physician or surgeon, osteopathic physician or surgeon, or
13 dentist to the patient, relative of the patient, or decision
14 maker for the patient that relates to the discomfort, pain,
15 suffering, injury, or death of the patient as a result of an
16 unanticipated outcome of medical care is inadmissible as
17 evidence of an admission of liability or as evidence of an
18 admission against interest.

19 EXPLANATION

20 This bill relates to evidence of regret or apology made by
21 a physician or surgeon, osteopathic physician or surgeon, or
22 dentist in any civil action for personal injury or death. The
23 bill provides that in such a case, any statement, affirmation,
24 gesture, or conduct expressing apology, responsibility,
25 liability, sympathy, consideration, condolence, or a general
26 sense of benevolence that was made by such a licensee, to the
27 patient, relative of the patient, or decision maker for the
28 patient that relates to the discomfort, pain, suffering,
29 injury, or death of the patient as a result of an
30 unanticipated outcome of medical care is inadmissible as
31 evidence of an admission of liability or as evidence of an
32 admission against interest.

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