

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 2387

By: Representative D. Evans

For An Act To Be Entitled

AN ACT TO PERMIT AN APOLOGY TO AN INJURED PATIENT BY A HOSPITAL ADMINISTRATOR, PHYSICIAN, OR HEALTH CARE WORKER TO BE EXCLUDED FROM EVIDENCE UNLESS THE APOLOGY MEETS THE REQUIREMENTS FOR AN EXCITED UTTERANCE; AND FOR OTHER PURPOSES.

Subtitle

TO PERMIT AN APOLOGY TO AN INJURED PATIENT BY A HOSPITAL ADMINISTRATOR, PHYSICIAN, OR HEALTH CARE WORKER TO BE EXCLUDED FROM EVIDENCE UNLESS THE APOLOGY MEETS THE REQUIREMENTS FOR AN EXCITED UTTERANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16, Chapter 40, Subchapter 1 is amended to add an additional section to read as follows:

16-40-106. Apology of hospital administrator, physician, or health care worker.

(a) As used in this section, "apology" means a statement, writing, or gesture that expresses sympathy or a general sense of benevolence relating to the pain, suffering, or death of an individual.

(b)(1) An apology of a hospital administrator, physician, or health care worker to a patient or a member of a patient's family for any procedure or treatment that caused injury or harm to the patient is not admissible in any civil action against the hospital, physician, or health care worker.



1 (2) An excited utterance under Rule 803(2) of the Arkansas Rules
2 of Evidence is not inadmissible in evidence under this section.