

By: Senator(s) Wiggins

To: Judiciary, Division A

SENATE BILL NO. 2182

1 AN ACT TO PROVIDE THAT CERTAIN STATEMENTS BY HEALTH CARE
2 PROVIDERS OR EMPLOYEES REGARDING THE UNANTICIPATED OUTCOME OF
3 MEDICAL CARE ARE INADMISSIBLE IN ANY CIVIL ACTION BY A RELATIVE OR
4 REPRESENTATIVE OF THE PATIENT; TO PROVIDE DEFINITIONS; AND FOR
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) In any civil action brought by an alleged
8 victim of an unanticipated outcome of medical care, or in any
9 arbitration proceeding related to such civil action, any and all
10 statements, affirmations, gestures, or conduct expressing apology,
11 sympathy, commiseration, condolence, compassion, or a general
12 sense of benevolence which are made by a health care provider or
13 an employee of a health care provider to the alleged victim, a
14 relative of the alleged victim, or a representative of the alleged
15 victim and which relate to the discomfort, pain, suffering,
16 injury, or death of the alleged victim as a result of the
17 unanticipated outcome of medical care shall be inadmissible as
18 evidence of an admission of liability or as evidence of an
19 admission against interest. A statement of fault which is
20 otherwise admissible and is part of or in addition to any such
21 communication shall be admissible.

22 (2) For purposes of this section, unless the context
23 otherwise requires:

24 (a) "Health care provider" means any person licensed or
25 certified by a licensing agency of the State of Mississippi to
26 deliver health care and any health care facility licensed by the
27 State Department of Health. Health care provider includes any
28 professional corporation or other professional entity comprised of



29 such health care providers, and any person who has any financial
30 or indirect interest in any such health care provider.

31 (b) "Relative" means a patient's spouse, parent,
32 grandparent, stepfather, stepmother, child, grandchild, brother,
33 sister, stepbrother, stepsister, half brother, half sister, or
34 spouse's parents. Relative includes persons related to the
35 patient through adoptive relationships. Relative also includes
36 any person who has a family-type relationship with the patient.

37 (c) "Representative" means a legal guardian, attorney,
38 person designated to make health care decisions on behalf of a
39 patient under a power of attorney, or any person recognized in law
40 as a patient's agent.

41 (d) "Unanticipated outcome" means the outcome of a
42 medical treatment or procedure that differs from the expected
43 result.

44 **SECTION 2.** This act shall take effect and be in force from
45 and after July 1, 2012.

