

SENATE BILL NO. 174—SENATORS HECK, TOWNSEND, HARDY,
WASHINGTON, CEGAVSKE, AMODEI, BEERS, LEE,
MATHEWS, NOLAN, RAGGIO, RHOADS, SCHNEIDER AND
WOODHOUSE

FEBRUARY 28, 2007

JOINT SPONSORS: ASSEMBLYMEN HARDY, MABEY, GANSERT,
ALLEN, BEERS, MARVEL, SETTELMAYER AND STEWART

Referred to Committee on Judiciary

SUMMARY—Provides that an expression of apology or regret
made by or on behalf of a provider of health care is
inadmissible in any civil or administrative
proceeding brought against the provider of health
care based upon alleged professional negligence.
(BDR 4-794)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to evidence; providing that an expression of
apology or regret made by or on behalf of a provider of
health care is inadmissible in any civil or administrative
proceeding brought against the provider of health care
based upon alleged professional negligence; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill, which is patterned after similar legislation that has been enacted in
- 2 other states, provides that an expression of apology or regret made by or on behalf
- 3 of a provider of health care is inadmissible in any civil or administrative proceeding
- 4 brought against the provider of health care based upon alleged professional
- 5 negligence.



* S B 1 7 4 R 1 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 48 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any civil proceeding or administrative proceeding brought against a provider of health care based upon alleged professional negligence, evidence of any written or oral communication, gesture or conduct that:

(a) Is made by or on behalf of the provider of health care;

(b) Expresses apology, regret, sympathy, commiseration, condolence or compassion relating to the pain, suffering or death of the alleged victim of professional negligence or the immediate family of the alleged victim; and

(c) Is made to the alleged victim, the immediate family of the alleged victim, or a friend of the alleged victim or immediate family of the alleged victim,

↪ is not admissible for any purpose.

2. As used in this section:

(a) "Civil proceeding" includes, without limitation, arbitration and mediation.

(b) "Immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

(c) "Professional negligence" has the meaning ascribed to it in NRS 41A.015.

(d) "Provider of health care" has the meaning ascribed to it in NRS 41A.017.

Sec. 2. The amendatory provisions of this act apply to any civil proceeding or administrative proceeding that is conducted on or after October 1, 2007.

