

Amendment No. 163

Senate Amendment to Senate Bill No. 174	(BDR 4-794)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

DP/BAW



Date: 4/9/2007

S.B. No. 174—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)



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 other states,
2 provides that an expression of apology or regret made by or on behalf of a provider of health
3 care is inadmissible in any civil or administrative proceeding brought against the provider of
4 health care based upon alleged professional negligence.

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

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

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

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

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

4 (c) Is made to the alleged victim, the immediate family of the alleged victim,
5 or a friend of the alleged victim or immediate family of the alleged victim,
6 ↪ is not admissible for any purpose.

7 2. As used in this section:

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

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

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

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

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