



General Assembly

February Session, 2006

Amendment

LCO No. 4122

SB0059304122SD0

Offered by:
SEN. MCDONALD, 27th Dist.

To: Subst. Senate Bill No. 593 File No. 451 Cal. No. 334

"AN ACT CONCERNING THE APPLICABILITY OF OFFERS OF JUDGMENT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 52-184d of the 2006 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective from passage*):

6 (a) For the purposes of this section:

7 (1) "Health care provider" means a provider, as defined in
8 subsection (b) of section 20-7b, or an institution, as defined in section
9 19a-490, as amended, and includes a health care institution or facility
10 operated by the state;

11 (2) "Relative" means a victim's spouse, parent, grandparent,
12 stepfather, stepmother, child, grandchild, brother, sister, half brother,
13 half sister or spouse's parents, and includes such relationships that are

14 created as a result of adoption and any person who has a family-type
15 relationship with a victim;

16 (3) "Representative" means a legal guardian, attorney, health care
17 agent or any person recognized in law or custom as a patient's agent;
18 and

19 (4) "Unanticipated outcome" means the outcome of a medical
20 treatment or procedure that differs from an expected result.

21 (b) In any civil action brought by an alleged victim of an
22 unanticipated outcome of medical care, or in any arbitration
23 proceeding related to such civil action, any and all statements,
24 affirmations, gestures or conduct expressing apology, fault, sympathy,
25 commiseration, condolence, compassion or a general sense of
26 benevolence that are made by a health care provider or an employee of
27 a health care provider to the alleged victim, a relative of the alleged
28 victim or a representative of the alleged victim and that relate to the
29 discomfort, pain, suffering, injury or death of the alleged victim as a
30 result of the unanticipated outcome of medical care shall be
31 inadmissible as evidence of an admission of liability or as evidence of
32 an admission against interest."