

JAN 22 2015

A BILL FOR AN ACT

RELATING TO THE HAWAII RULES OF EVIDENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The doctor-patient relationship is central to
2 the practice of medicine and is essential to the delivery of
3 high-quality health care in the diagnosis and treatment of
4 disease. This relationship is important to both parties. The
5 amount and quality of information about the patient's disease
6 will be better if the relationship is better in terms of mutual
7 respect, knowledge, trust, and shared values and perspectives
8 about disease and life.

9 A healthy doctor-patient relationship facilitates the
10 transfer of information in both directions, enhancing accuracy
11 of diagnosis and increasing the patient's knowledge about the
12 disease. Patients must have confidence in the competence of
13 their physicians and must feel that they can confide in their
14 physicians. Physicians must be able to reassure and comfort
15 their patients while remaining honest. A healthy relationship
16 ensures that doctors and patients can fulfill their roles and
17 meet the expectations of each other.



1 Medical apology laws are designed to encourage
2 communication between patients and health care providers.

3 The purpose of this Act is to establish a new rule of
4 evidence on the admissibility of medical apologies.

5 SECTION 2. Section 626-1, Hawaii Revised Statutes, is
6 amended by adding a new rule to be appropriately designated and
7 to read as follows:

8 "Rule Evidence of admissions of unanticipated medical
9 outcomes. Evidence of statements, affirmations, gestures, or
10 conduct expressing apology, fault, sympathy, commiseration,
11 condolence, compassion, or a general sense of benevolence that
12 is made by a health care provider or an employee of a health
13 care provider concerning the consequences of an unanticipated
14 outcome of medical care that results in discomfort, pain,
15 suffering, injury, or death is not admissible to prove liability
16 for any claim growing out of the event."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. New statutory material is underscored.

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1 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 116

Report Title:

Rules of Evidence; Medical Apology

Description:

Establishes a rule of evidence to exclude the admissibility of medical apologies to prove liability.

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