HB 250 Sectional Analysis

"An Act making an expression of apology, sympathy, commiseration, compassion, or benevolence by a health care provider inadmissible in a medical malpractice case; requiring a health care provider to advise a patient or the patient's legal representative to seek legal advice before making an agreement with the patient to correct an unanticipated outcome of medical treatment or care; and amending Rules 402, 407, 408, 409, and 801, Alaska Rules of Evidence."

Section 1.

(a) Amends evidence statutes by adding two new sections:

Sec. 09.55.544 applies to what is deemed inadmissible in a medical malpractice case

Sec. 09.55.545 requires a provider to advise that legal advice may be sought prior to an agreement to correct an unanticipated outcome of medical treatment or care

(b) Clarifies that an expression of apology made by a health care provider made in conjunction with an admission of liability be subject to separate scrutiny, and not necessarily deemed inadmissible

(c) Clarifies that Section 1 does not apply to an offer of judgment under AS 09.30.065

(d) Defines “legal representative”

Section 2. Adds a new section that details how the addition of Sec. 09.55.544 would indirectly amend Rule 402, 407, 408, 409, and 801 of the Alaska Rules of Evidence

Section 3. Provides applicability to causes of action on or after the effective date of this Act.

Section 4. Provides the conditional effect that a two-thirds majority vote by both the House and Senate is needed to enact both AS 09.55.544 and AS 09.55.545

This is a summary only. Note that this sectional analysis should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.