

# ALASKA STATE LEGISLATURE

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### HB 250 Sectional Analysis

"An Act making an expression of apology, responsibility, 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 legal advice 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.*