

SENATE FILE NO. SF1004

Health care providers-open communications.

Sponsored by: Joint Judiciary Interim Committee and Joint
Labor, Health and Social Services Interim
Committee

A BILL

for

1 AN ACT relating to health care providers; providing that
2 certain statements of health care providers or their
3 employees are inadmissible in civil actions or arbitration,
4 as specified; providing definitions; and providing for an
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 1-1-130 is created to read:

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11 **1-1-130. Actions against health care providers;**
12 **admissibility of evidence.**

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14 (a) In any civil action or arbitration brought by an
15 alleged victim of an unanticipated outcome of medical care
16 against a health care provider, any and all statements,

1 affirmations, gestures or conduct expressing apology,
2 sympathy, commiseration, condolence, compassion or a
3 general sense of benevolence that are made by a health care
4 provider or an employee of a health care provider to the
5 alleged victim, or to a relative or representative of the
6 alleged victim, and that relate to the discomfort, pain,
7 suffering, injury or death of the alleged victim as the
8 result of the unanticipated outcome of medical care, are
9 inadmissible as evidence of an admission of liability or as
10 evidence of an admission against interest.

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12 (b) For purposes of this section:

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14 (i) "Health care provider" means as defined in
15 W.S. 26-40-102(a)(i);

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17 (ii) "Relative" means a spouse, parent,
18 grandparent, stepfather, stepmother, child, grandchild,
19 brother, sister, half brother, half sister or parent of a
20 spouse, and includes those relationships established by
21 adoption;

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23 (iii) "Representative" means a legal guardian,
24 attorney, person designated to make decisions on behalf of

1 a patient under a medical power of attorney or any person
2 recognized in law or custom as a patient's agent;

3

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

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8 **Section 2.** This act is effective immediately upon
9 completion of all acts necessary for a bill to become law
10 as provided by Article 4, Section 8 of the Wyoming
11 Constitution.

12

13 (END)