

## HOUSE BILL NO. HB1004

Health care providers-open communications-2.

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.

7

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)