

4071

2013-2014 Regular Sessions

I N A S S E M B L Y

January 30, 2013

Introduced by M. of A. GALEF, LAVINE, GUNTHER, SCHIMMINGER, DUPREY,
FRIEND -- Multi-Sponsored by -- M. of A. CORWIN, LOSQUADRO, MAGEE,
MONTESANO, SWEENEY, TENNEY -- read once and referred to the Committee
on Judiciary

AN ACT to amend the civil practice law and rules, in relation to exclud-
ing an apology statement as an admission of liability in a medical
malpractice lawsuit

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The civil practice law and rules is amended by adding a
2 new section 4549 to read as follows:
3 S 4549. STATEMENT OF APOLOGY OR REGRET IN MEDICAL, DENTAL OR PODIATRIC
4 MALPRACTICE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE
5 CONTRARY, IN ANY ACTION FOR MEDICAL, DENTAL OR PODIATRIC MALPRACTICE,
6 ANY COMMUNICATION OR CONDUCT BY A HEALTH CARE PROVIDER EXPRESSING APOLO-
7 GY OR REGRET, MADE IN GOOD FAITH TO A PATIENT OR A PATIENT'S RELATIVE IS
8 INADMISSIBLE IN ANY CIVIL PROCEEDING AS AN ADMISSION OF LIABILITY OR
9 AGAINST INTEREST.
10 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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