S T A T E O F N E W Y O R K

6156

2015-2016 Regular Sessions

I N A S S E M B L Y

March 16, 2015

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

AN ACT to amend the civil practice law and rules, in relation to excluding 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The civil practice law and rules is amended by adding a new section 4549 to read as follows:

S 4549. STATEMENT OF APOLOGY OR REGRET IN MEDICAL, DENTAL OR PODIATRIC MALPRACTICE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRARY, IN ANY ACTION FOR MEDICAL, DENTAL OR PODIATRIC MALPRACTICE, ANY COMMUNICATION OR CONDUCT BY A HEALTH CARE PROVIDER EXPRESSING APOLOGY OR REGRET, MADE IN GOOD FAITH TO A PATIENT OR A PATIENT'S RELATIVE IS INADMISSIBLE IN ANY CIVIL PROCEEDING AS AN ADMISSION OF LIABILITY OR AGAINST INTEREST.

S 2. This act shall take effect immediately.

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

LBD03978-01-5