



Rep. Mary E. Flowers

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09700HB0945ham001

LRB097 03783 AJ0 54149 a

1 AMENDMENT TO HOUSE BILL 945

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 945 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Section 8-1901 as follows:

6 (735 ILCS 5/8-1901) (from Ch. 110, par. 8-1901)

7 (Text of Section WITH the changes made by P.A. 94-677,  
8 which has been held unconstitutional)

9 Sec. 8-1901. Admission of liability - Effect.

10 (a) The providing of, or payment for, medical, surgical,  
11 hospital, or rehabilitation services, facilities, or equipment  
12 by or on behalf of any person, or the offer to provide, or pay  
13 for, any one or more of the foregoing, shall not be construed  
14 as an admission of any liability by such person or persons.  
15 Testimony, writings, records, reports or information with  
16 respect to the foregoing shall not be admissible in evidence as

1 an admission of any liability in any action of any kind in any  
2 court or before any commission, administrative agency, or other  
3 tribunal in this State, except at the instance of the person or  
4 persons so making any such provision, payment or offer.

5 (b) Any expression of grief, apology, or explanation  
6 provided by a health care provider, including, but not limited  
7 to, a statement that the health care provider is "sorry" for  
8 the outcome to a patient, the patient's family, or the  
9 patient's legal representative about an inadequate or  
10 unanticipated treatment or care outcome that is provided within  
11 72 hours of when the provider knew or should have known of the  
12 potential cause of such outcome shall not be admissible as  
13 evidence in any action of any kind in any court or before any  
14 tribunal, board, agency, or person. The disclosure of any such  
15 information, whether proper, or improper, shall not waive or  
16 have any effect upon its confidentiality or inadmissibility. As  
17 used in this Section, a "health care provider" is any hospital,  
18 nursing home or other facility, or employee or agent thereof, a  
19 physician, or other licensed health care professional. Nothing  
20 in this Section precludes the discovery or admissibility of any  
21 other facts regarding the patient's treatment or outcome as  
22 otherwise permitted by law.

23 (c) The changes to this Section made by this amendatory Act  
24 of the 94th General Assembly apply to causes of action accruing  
25 on or after its effective date.

26 (Source: P.A. 94-677, eff. 8-25-05.)

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2 which has been held unconstitutional)

3 Sec. 8-1901. Admission of liability - Effect.

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7 for, any one or more of the foregoing, shall not be construed  
8 as an admission of any liability by such person or persons.  
9 Testimony, writings, records, reports or information with  
10 respect to the foregoing shall not be admissible in evidence as  
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3 nursing home or other facility, or employee or agent thereof, a  
4 physician, or other licensed health care professional. Nothing  
5 in this Section precludes the discovery or admissibility of any  
6 other facts regarding the patient's treatment or outcome as  
7 otherwise permitted by law.

8 (c) The provisions of this amendatory Act of the 97th  
9 General Assembly apply to causes of action accruing on or after  
10 its effective date.

11 (Source: P.A. 82-280.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law."