



Rep. Mary E. Flowers

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09700HB1474ham002

LRB097 06730 AJ0 68126 a

1 AMENDMENT TO HOUSE BILL 1474

2 AMENDMENT NO. _____. Amend House Bill 1474, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Findings. The General Assembly finds that:

6 (1) health care professionals serve a vital public
7 interest;

8 (2) compassion and empathy are vital to the process of
9 health;

10 (3) the State of Illinois wants to encourage health
11 care professionals to provide compassionate care and
12 protect the public health, safety, and welfare; and

13 (4) health care professionals should be able to
14 apologize freely without legal penalties.

15 Section 5. The Code of Civil Procedure is amended by
16 reenacting and changing Section 8-1901 as follows:

1 (735 ILCS 5/8-1901) (from Ch. 110, par. 8-1901)

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

3 (a) The providing of, or payment for, medical, surgical,
4 hospital, or rehabilitation services, facilities, or equipment
5 by or on behalf of any person, or the offer to provide, or pay
6 for, any one or more of the foregoing, shall not be construed
7 as an admission of any liability by such person or persons.
8 Testimony, writings, records, reports or information with
9 respect to the foregoing shall not be admissible in evidence as
10 an admission of any liability in any action of any kind in any
11 court or before any commission, administrative agency, or other
12 tribunal in this State, except at the instance of the person or
13 persons so making any such provision, payment or offer.

14 (b) Any expression of grief, apology, or explanation
15 provided by a health care provider, including, but not limited
16 to, a statement that the health care provider is "sorry" for
17 the outcome to a patient, the patient's family, or the
18 patient's legal representative about an inadequate or
19 unanticipated treatment or care outcome that is provided within
20 72 hours of when the provider knew or should have known of the
21 potential cause of such outcome shall not be admissible as
22 evidence in any action of any kind in any court or before any
23 tribunal, board, agency, or person. The disclosure of any such
24 information, whether proper, or improper, shall not waive or
25 have any effect upon its confidentiality or inadmissibility. As

1 used in this Section, a "health care provider" is any hospital,
2 nursing home or other facility, or employee or agent thereof, a
3 physician, or other licensed health care professional. Nothing
4 in this Section precludes the discovery or admissibility of any
5 other facts regarding the patient's treatment or outcome as
6 otherwise permitted by law.

7 (c) The changes to this Section made by Public Act 94-677
8 and reenacted by this amendatory Act of the 97th ~~94th~~ General
9 Assembly apply to causes of action accruing on or after the ~~its~~
10 effective date of this amendatory Act of the 97th General
11 Assembly.

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

13 Section 97. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."