

Legislative Analysis



MEDICAL MALPRACTICE: EXPRESSION OF SYMPATHY NOT ADMISSABLE AS EVIDENCE OF LIABILITY

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House Bill 4259

Sponsor: Rep. Joe Hune

Committee: Judiciary

Complete to 2-17-06

A SUMMARY OF HOUSE BILL 4259 AS INTRODUCED 2-10-05

The bill would add a new section to the Revised Judicature Act to specify that a statement, writing, or action that expressed sympathy, compassion, commiseration, or a general sense of benevolence in regards to the pain, suffering, or death of an individual and that had been made to the individual or the individual's family would not be admissible as evidence of liability in an action for medical malpractice.

A statement of fault, negligence, or culpable conduct relating to an accident or event that was part of or that was made in addition to a statement, writing, or action described above would not be excluded under the bill and therefore could remain admissible.

“Family” would mean a spouse, parent, grandparent, stepmother, stepfather, child, adopted child, grandchild, brother, sister, half brother, half sister, father-in-law, or mother-in-law.

MCL 600.2155

FISCAL IMPACT:

The bill would have no fiscal impact.

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