

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

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**OFFERED BY MR. HUDSON OF NORTH CAROLINA**

Add, at the end of the bill, the following:

1 **SEC. 11. COMMUNICATIONS FOLLOWING UNANTICIPATED**

2 **OUTCOME.**

3 (a) PROVIDER COMMUNICATIONS.—In any health  
4 care liability action, any and all statements, affirmations,  
5 gestures, or conduct expressing apology, fault, sympathy,  
6 commiseration, condolence, compassion, or a general sense  
7 of benevolence which are made by a health care provider  
8 or an employee of a health care provider to the patient,  
9 a relative of the patient, or a representative of the patient  
10 and which relate to the discomfort, pain, suffering, injury,  
11 or death of the patient as the result of the unanticipated  
12 outcome of medical care shall be inadmissible for any pur-  
13 pose as evidence of an admission of liability or as evidence  
14 of an admission against interest.

15 (b) STATE FLEXIBILITY.—No provision of this sec-  
16 tion shall be construed to preempt any State law (whether  
17 effective before, on, or after the date of the enactment of  
18 this Act) that makes additional communications inadmis-

- 1 sible as evidence of an admission of liability or as evidence
- 2 of an admission against interest.

