

**HOUSE BILL No. 2069**

By Committee on Judiciary

1-24

1 AN ACT enacting the Kansas adverse medical outcome transparency act;  
2 concerning evidence in civil actions; expression of apology, sympathy,  
3 compassion or benevolent acts by health care providers not admissible  
4 as evidence of an admission of liability or as evidence of an admission  
5 against interest.

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7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) This section may be cited as the Kansas adverse  
9 medical outcome transparency act.

10 (b) In any claim or civil action brought by or on behalf of a patient  
11 allegedly experiencing an adverse outcome of medical care, any and all  
12 statements, activities, waivers of charges for medical care provided or  
13 other conduct expressing benevolence, regret, mistake, error, sympathy,  
14 apology, commiseration, condolence, compassion or a general sense of  
15 benevolence which are made by a health care provider, an employee or  
16 agent of a health care provider, shall be inadmissible as evidence and  
17 shall not constitute an admission of liability or an admission against  
18 interest.

19 (c) A defendant in a medical malpractice action may waive the  
20 inadmissibility of statements defined in subsection (b) that are  
21 attributable to such defendant by expressly stating, in writing, the intent  
22 to make such a waiver.

23 (d) As used in this section:

24 (1) "Health care provider" has the meaning prescribed in K.S.A. 65-  
25 4915, and amendments thereto.

26 (2) "Adverse outcome" means the outcome of a medical treatment  
27 or procedure, whether or not resulting from an intentional act, that differs  
28 from an intended result of such medical treatment or procedure.

29 Sec. 2. This act shall take effect and be in force from and after its  
30 publication in the statute book.

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