

HOUSE BILL No. 2123

By Representative Sloan

1-28

1 AN ACT enacting the Kansas adverse medical outcome transparency act;
2 concerning evidence in civil actions; expression of 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.

6
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 regret, sympathy, commiseration, condolence,
14 compassion or a general sense of benevolence which are made by a
15 health care provider, an employee or agent of a health care provider, shall
16 be inadmissible as evidence and shall not constitute an admission of
17 liability or an admission against interest.

18 (c) As used in this section:

19 (1) “Health care provider” has the meaning prescribed in K.S.A. 65-
20 4915, and amendments thereto.

21 (2) “Adverse outcome” means the outcome of a medical treatment
22 or procedure, whether or not resulting from an intentional act, that differs
23 from an intended result of such medical treatment or procedure.

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

26