Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007

HOUSE BILL NO. 1333
(Representatives Klemin, Delmore, Dosch)
(Senators Erbele, Nelson, Nething)

AN ACT to provide that expressions of empathy by health care providers are inadmissible in civil actions; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Expressions of empathy.

1. A statement, affirmation, gesture, or conduct of a health care provider, or health care provider's employee or agent, that expresses apology, sympathy, commiseration, condolence, compassion, or benevolence to a patient or to a patient's relative or representative is not admissible as evidence of liability or as an admission against interest in a civil action, arbitration proceeding, or administrative hearing regarding the health care provider.

2. For purposes of this section, unless the context otherwise requires:

   a. "Health care provider" means:

      (1) An individual licensed or certified by the state to deliver health care;

      (2) A hospital or clinic, including an ambulatory surgery center or group of physicians operating a clinic or outpatient care facility, or a professional corporation or other professional entity comprised of such health care providers as permitted by the laws of this state; and

      (3) A nursing, basic, or assisted living facility licensed by this state or by any other health care organization.

   b. "Relative" means an individual who has a relationship to the patient by marriage, blood, or adoption.

   c. "Representative" means a legal guardian, attorney, person designated to make decisions on behalf of a patient under a health care directive, or any person recognized in law or custom as a patient's agent.

SECTION 2. APPLICATION. This Act applies to actions or other proceedings commenced on or after the effective date of this Act.

_____	_____
Speaker of the House	President of the Senate
_____	_____
Chief Clerk of the House	Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1333.

House Vote:	Yeas	74	Nays	17	Absent	3
Senate Vote:	Yeas	43	Nays	0	Absent	4

_____
Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

_____
Governor

Filed in this office this _____ day of _____, 2007,

at _____ o'clock _____ M.

_____
Secretary of State