

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

643L0377

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1148 - 02/05/2005

Introduced by: Representatives Van Etten, Brunner, Cutler, Frost, Hennies, Hunhoff, Jensen, Kraus, Krebs, Michels, Murschel, Peters, Rave, Roberts, Sebert, and Tornow and Senators Knudson, Abdallah, Bogue, Gray, Koetzle, Koskan, and Moore

1 FOR AN ACT ENTITLED, An Act to provide that certain statements and actions made by
2 health care providers are not admissible to prove negligence or culpable conduct in medical
3 malpractice actions.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. No statement made by a health care provider apologizing for an adverse outcome
6 in medical treatment, no offer to undertake corrective or remedial treatment or action, and no
7 gratuitous act to assist affected persons is admissible to prove negligence by the health care
8 provider in any action for damages for personal injury or death alleging malpractice against any
9 health care provider. Nothing in this section prevents the admission, for the purpose of
10 impeachment, of any statement constituting an admission against interest by the health care
11 provider making such statement.

