

HOUSE BILL No. 1260

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2; IC 34-30-14.5-3.

Synopsis: Health care provider civil proceedings. Provides that certain actions of a health care provider are inadmissible as evidence in a civil proceeding against the health care provider.

Effective: July 1, 2006.

Koch

January 10, 2006, read first time and referred to Committee on Judiciary.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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HOUSE BILL No. 1260



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-6-2-54 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 54. (a) "Health care
3 provider", for purposes of IC 34-18, has the meaning set forth in
4 IC 34-18-2-14.

5 (b) "Health care provider", for purposes of IC 34-30-12.5, has the
6 meaning set forth in IC 34-30-12.5-2.

7 (c) **"Health care provider", for purposes of IC 34-30-14.5-3,**
8 **means an individual or entity that is licensed or certified by the**
9 **state to provide health care services (as defined in IC 27-8-11-1).**

10 SECTION 2. IC 34-6-2-129.5 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2006]: **Sec. 129.5. "Relative", for purposes**
13 **of IC 34-30-14.5-3, means any of the following, by birth or**
14 **adoption:**

- 15 (1) **Spouse.**
- 16 (2) **Parent.**
- 17 (3) **Grandparent.**



- 1 **(4) Stepparent.**
- 2 **(5) Child.**
- 3 **(6) Grandchild.**
- 4 **(7) Sibling.**
- 5 **(8) Half-sibling.**
- 6 **(9) Parent-in-law.**

7 SECTION 3. IC 34-6-2-130 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 130. **(a)**
 9 "Representative", for purposes of IC 34-18, has the meaning set forth
 10 in IC 34-18-2-25.

11 **(b) "Representative", for purposes of IC 34-30-14.5-3, means**
 12 **the following:**

- 13 **(1) A health care representative appointed under IC 16-36-1.**
- 14 **(2) An attorney in fact under a power of attorney executed**
 15 **under IC 30-5-4.**
- 16 **(3) A guardian appointed by the court under IC 29-3.**
- 17 **(4) Another individual recognized by law or custom as an**
 18 **individual's agent.**

19 SECTION 4. IC 34-6-2-144.7 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2006]: **Sec. 144.7. "Unanticipated outcome",**
 22 **for purposes of IC 34-30-14.5-3, means the outcome of a medical**
 23 **treatment or procedure that differs from an expected result.**

24 SECTION 5. IC 34-30-14.5-3 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2006]: **Sec. 3. In:**

- 27 **(1) a civil action brought by an alleged victim of an**
 28 **unanticipated outcome; or**
- 29 **(2) an arbitration proceeding related to a civil action**
 30 **described in subdivision (1);**

31 **a statement, affirmation, gesture, or other conduct expressing**
 32 **apology, fault, sympathy, commiseration, condolence, compassion,**
 33 **or a general sense of benevolence that is made by a health care**
 34 **provider or an employee of a health care provider to the alleged**
 35 **victim or a relative or representative of the alleged victim and that**
 36 **relates to the discomfort, pain, suffering, injury, or death of the**
 37 **alleged victim resulting from the unanticipated outcome is**
 38 **inadmissible as evidence of an admission of liability or an**
 39 **admission against interest.**

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