

1 *Be it enacted by the People of the State of Colorado:*
2

3 **SECTION 1.** 13-25-135 (1), Colorado Revised Statutes, is amended, and the said 13-25-135 is
4 further amended BY THE ADDITION OF A NEW SUBSECTION to read:
5

6 **13-25-135. Evidence of admissions - civil proceedings - unanticipated outcomes - medical**
7 **care.**
8

9 (1) In any civil action brought by an alleged victim of an unanticipated outcome of medical care,
10 or in any arbitration proceeding related to such civil action, any and all statements, affirmations,
11 gestures, or conduct expressing apology, ~~fault~~, sympathy, commiseration, condolence,
12 compassion, or a general sense of benevolence which are made by a health care provider or an
13 employee of a health care provider to the alleged victim, a relative of the alleged victim, or a
14 representative of the alleged victim and which relate to the discomfort, pain, suffering, injury, or
15 death of the alleged victim as the result of the unanticipated outcome of medical care shall be
16 inadmissible as evidence of an admission of liability or as evidence of an admission against
17 interest.
18

19 (1.5) IN ANY CIVIL ACTION BROUGHT BY AN ALLEGED VICTIM OF AN UNANTICIPATED OUTCOME OF
20 MEDICAL CARE, OR IN ANY ARBITRATION PROCEEDING RELATED TO SUCH CIVIL ACTION, ANY AND
21 ALL STATEMENTS, AFFIRMATIONS, GESTURES, OR CONDUCT EXPRESSING FAULT WHICH ARE MADE
22 BY A HEALTH CARE PROVIDER, OR AN EMPLOYEE OF A HEALTH CARE PROVIDER TO THE ALLEGED
23 VICTIM, A RELATIVE OF THE ALLEGED VICTIM, OR A REPRESENTATIVE OF THE ALLEGED VICTIM AND
24 WHICH RELATE TO THE DISCOMFORT, PAIN, SUFFERING, INJURY, OR DEATH OF THE ALLEGED VICTIM
25 AS THE RESULT OF THE UNANTICIPATED OUTCOME OF MEDICAL CARE SHALL BE ADMISSIBLE AS
26 EVIDENCE OF AN ADMISSION OF LIABILITY OR AS EVIDENCE OF AN ADMISSION AGAINST INTEREST.
27

28 **SECTION 2. Effective date.** If approved by a majority of votes cast thereon, this initiative
29 shall take effect upon proclamation of the governor.

Proponents:

John Sadwith
245 Kearney Street
Denver, CO 80220

Scott Wolfe
11843 East Ida Circle
Englewood, Colorado 80111

Counsel:

Kevin C. Paul
Heizer Paul LLP
2401 Fifteenth Street, Suite 300
Denver, CO 80202
phone: (303) 376-3704
fax: (303) 595-4750
kpaul@hpfirm.com



April 23, 2008

Kirk Mlinek, Director
Colorado Legislative Council Staff
Room 029
State Capitol Building
Denver, CO 80203

Dear Mr. Mlinek:

A proposed ballot initiative regarding the admissibility of a statement expressing fault by a health care provider to an alleged victim is enclosed for review and comment. The proponents of the proposed initiative are:

John Sadwith
245 Kearney Street
Denver, Colorado 80220

Scott Wolfe
11843 East Ida Circle
Englewood, Colorado 80111

Please contact me at (303) 376-3704, or by email at kpaul@hpfirm.com, with any questions or if any additional information is needed.

Sincerely,

Heizer, Paul LLP

A handwritten signature in black ink, appearing to read "K. C. Paul", with a horizontal line extending to the right.

By: Kevin C. Paul

Enc.