

A PERSON WHOSE INTEREST IS OR MAY BECOME ADVERSE TO AN INJURED INDIVIDUAL WHO IS CONFINED TO A HOSPITAL OR SANITARIUM AS A PATIENT MAY NOT, WITHIN 15 DAYS FROM THE DATE OF THE OCCURRENCE CAUSING THE PATIENT'S INJURY:

(1) NEGOTIATE OR ATTEMPT TO NEGOTIATE A SETTLEMENT WITH THE PATIENT;

(2) OBTAIN OR ATTEMPT TO OBTAIN A GENERAL RELEASE OF LIABILITY FROM THE PATIENT; OR

(3) OBTAIN OR ATTEMPT TO OBTAIN ANY STATEMENT, EITHER WRITTEN OR ORAL FROM THE PATIENT, FOR USE IN NEGOTIATING A SETTLEMENT OR OBTAINING A RELEASE.

(C) USE OF SETTLEMENT AGREEMENT OR RELEASE AS EVIDENCE.

ANY SETTLEMENT AGREEMENT ENTERED INTO OR ANY GENERAL RELEASE OF LIABILITY MADE BY ANY INDIVIDUAL WHO IS CONFINED IN A HOSPITAL OR SANITARIUM AFTER THE INDIVIDUAL INCURS A PERSONAL INJURY MAY NOT BE USED IN EVIDENCE IN ANY COURT ACTION RELATING TO THE INJURY AND MAY NOT BE USED FOR ANY PURPOSE IN ANY LEGAL ACTION IN CONNECTION WITH THE INJURY IF THE SETTLEMENT AGREEMENT OR RELEASE IS OBTAINED CONTRARY TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION.

(D) EFFECT OF RELEASE ON SUBSEQUENT TORT-FEASOR.

A RELEASE EXECUTED BY AN INDIVIDUAL WHO HAS SUSTAINED PERSONAL INJURIES DOES NOT DISCHARGE A SUBSEQUENT TORT-FEASOR:

(1) WHO IS NOT A PARTY TO THE RELEASE; AND

(2) (I) WHOSE RESPONSIBILITY FOR THE INDIVIDUAL'S INJURIES IS UNKNOWN AT THE TIME OF EXECUTION OF THE RELEASE; OR

(II) WHO IS NOT SPECIFICALLY IDENTIFIED IN THE RELEASE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 79, §§ 11, 12, and 13.

Throughout this section, the references to an injured "individual" are substituted for the former references to an injured "person" because only an individual, and not other entities that may be included in the term "person" under Art. 1, § 15 of the Code, can sustain personal injuries.

In subsection (a) of this section, the references to the "individual" are substituted for the former references to the "party" for consistency with the rest of this section.

In subsection (b) of this section, the references to the "individual" are substituted for the former references to the "person" for consistency with the rest of this section.