

**304.40-280 Advance payment by defendant.**

- (1) In any malpractice action against any health care provider, no payment made or offered by or on behalf of the health care provider to the claimant to meet the reasonable expenses of health care, custodial care, loss of earnings, rehabilitation care, or other essential goods or services, shall constitute or be evidence of an admission of liability on the part of such health care provider, and no such payment or offer shall be admissible in evidence in any such action, except after a verdict for the purpose of offsetting any damages awarded. The court shall reduce the amount of any judgment for damages awarded in such malpractice action by the amount of any advance payment made by any defendant health care provider or malpractice insurer on behalf of such defendant health care provider to the claimant.
- (2) In any malpractice action where there is more than one (1) defendant health care provider, and in the event an advance payment made by or on behalf of one (1) or more of said defendants exceeds the respective liability of said defendant making it, the court shall order any adjustment necessary to equate with its percentage liability the amount which said defendant is obligated to pay, exclusive of costs.
- (3) In no case shall an advance payment in excess of any award of damages be repayable by the claimant.

**Effective:** July 1, 1976

**History:** Created 1976 Ky. Acts ch. 163, sec. 4, effective July 1, 1976.