

Section 4

Medical Liability

Medical liability insurance issues emerged with a vengeance from a period of relative slumber in 2001. Physicians began to see liability insurance premiums skyrocket. Many were forced to abandon certain services (frequently obstetrics), their independent practices and--in some cases--their states. In response, state and federal policy makers examined a number of legislative remedies to address the crisis: some old—such as screening panels, award caps and premium controls; some new—such as health courts. With their provision of a broad spectrum of services, unique situation as a family's medical home and first-hand knowledge of the crisis' effects, family physicians' input in the formulation and debate over medical liability is crucial.

2006 saw another highly active year in liability legislation. The bills summarized below run the gamut from “true” medical liability legislation (those addressing non-economic damage caps, doctor apologies, *et cetera*) to those bills addressing more niche liability issues (such as liability for use of publicly-placed defibrillators).

AAFP policies and resources on medical liability are available on the AAFP web site.

[Professional Medical Liability](#)
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[Medical Liability: State Resources](#)
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DC B 283

SPONSOR: Cropp [D]
TITLE: Health Care Reform
DISPOSITION: Pending
SUMMARY:

Improves patient access to healthcare services and provide improved medical care by amending existing law to broaden the immunity afforded healthcare professionals providing volunteer medical services; reducing the incidences of preventable adverse medical events in licensed health care facilities by authorizing the Department of Health to develop a reporting system; authorizing the Department of Health to issue risk management regulations for health care facilities.



DC B 334 SPONSOR: Cropp [D]
 TITLE: Medical Malpractice Insurance Reform
 DISPOSITION: Pending
 SUMMARY:
 Amends the Risk-Based Capital Act of 1996 to authorize the Commissioner to consider a malpractice insurer's surplus in ratemaking if the surplus is unreasonably large; and to amend AN ACT Provides for regulation of certain insurance rates in the District of Columbia, and for other purposes to require prior approval of rate increases exceeding 7%, to authorize refunds to physicians who have paid excessive rates, to enable physicians and consumers to challenge rate increases.

FL H 3 IDENTICAL: FL S 542
 AUTHOR: Berfield [R]
 TITLE: Birth Related Neurological Injury Compensation
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to the Florida Birth-Related Neurological Injury Compensation Plan; requires the administrative law judge to determine whether factual determinations regarding required notice to obstetrical patients of participation in the plan are satisfied; provides exclusive jurisdiction to make such determinations; provides legislative intent; authorizes the State Board of Administration to invest and reinvest funds held on behalf of the plan pursuant to a trust agreement and state law.

FL H 111 IDENTICAL: FL S 274
 AUTHOR: Anderson [R]
 TITLE: Defibrillators in State Parks
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to defibrillators in state parks; encourages state parks to have functioning automated external defibrillator; requires training, maintenance, and location registration; provides immunity from liability under Good Samaritan Act and Cardiac Arrest Survival Act.

FL H 497 IDENTICAL: FL S 1944
 AUTHOR: Cretul [R]
 TITLE: Medical Negligence and Blood Banks
 DISPOSITION: Failed
 SUMMARY:
 Relates to medical negligence and blood banks; specifies claims of negligence pertaining to certain activities of blood banks as medical negligence claims.



- FL H 565 SIMILAR: FL S 272
AUTHOR: Farkas [R]
TITLE: Financial Responsibility of Physicians and Osteopathic
DISPOSITION: Failed
SUMMARY:
Provides additional licensure requirements for professional liability insurance coverage, an escrow account, and an irrevocable letter of credit; revises the amounts required through the escrow account or letter of credit; provides for submittal, to the Department of Health, by a physician or an osteopathic physician of a sworn statement and documentation relating to the liability insurance coverage, the escrow account, or the letter of credit.
- FL H 1111 SIMILAR: FL S 2212
AUTHOR: Proctor [R]
TITLE: Medical Malpractice Insurance
DISPOSITION: Failed
SUMMARY:
Relates to medical malpractice insurance; provides for exempting licensed advanced registered nurse practitioners from certain medical malpractice insurance requirements under certain circumstances; provides criteria; requires licensees to pay certain medical malpractice judgment amounts under certain circumstances; requires certain licensees to post notice disclosing lack of said insurance under certain circumstances.
- FL H 1561 SIMILAR: FL S 2686
AUTHOR: Brummer [R]
TITLE: Expert Witnesses
DISPOSITION: Failed
SUMMARY:
Relates to expert witnesses; requires Board of Medicine and Board of Osteopathic Medicine, respectively, to issue expert witness certificates to certain licensed physicians under certain circumstances; provides requirements for certification; provides limitation; provides that certain fraudulent, deceptive, or misleading expert witness testimony is grounds for disciplinary action; provides penalties.
- FL H 1603 AUTHOR: Pickens [R]
TITLE: Testimony of Witnesses
DISPOSITION: Failed
SUMMARY:
Relates to testimony of witnesses; cites act as Reliability of Witness Testimony Standards Act; provides standards for opinion testimony by lay witnesses; provides standards for, bases of, and limitations on expert testimony; authorizes expert witness fees; provides requirements for mandatory pretrial hearings; provides requirements for mandatory pretrial disclosure of expert testimony; provides for interpretation and application and severability.



- FL S 272 SIMILAR: FL H 565
AUTHOR: Jones [R]
TITLE: Physicians Financial Responsibility
DISPOSITION: Failed
SUMMARY:
Relates to physicians financial responsibility; provides additional requirements, regarding licensure, for professional liability insurance coverage, escrow account, and irrevocable letter of credit; provides for submittal, to the Department of Health, by a physician or osteopathic physician of sworn statement and documentation regarding liability insurance coverage, escrow account, or letter of credit; provides exemptions.
- FL S 274 IDENTICAL: FL H 111
AUTHOR: Appropriations - General Government Cmt
TITLE: Defibrillators in State Parks
DISPOSITION: Enacted
SUMMARY:
Relates to defibrillators in state parks; encourages state parks to have functioning automated external defibrillator; requires training, maintenance, and location registration; provides immunity from liability under Good Samaritan Act and Cardiac Arrest Survival Act; authorizes the Recreation and Parks Division to adopt rules; provides an appropriation.
- FL S 280 COMPARE: FL S 228
SIMILAR: FL H 595
AUTHOR: Appropriations - Health & Human Cmt
TITLE: Community Behavioral Health Agencies
DISPOSITION: Failed - Adjourned
SUMMARY:
Relates to community behavioral health agencies; provides that certain facilities or programs defined in Mental Health and Substance Abuse Services chapters have liability limits in tort actions under certain circumstances; limits net economic damages allowed per claim; requires that costs to defend actions be assumed by provider or its insurer; specifies occasions upon which immunities enjoyed by provider extend to employees.
- FL S 542 IDENTICAL: FL H 3
AUTHOR: Jones [R]
TITLE: Birth Related Neurological Injury Compensation Plan
DISPOSITION: Enacted
SUMMARY:
Relates to the State Birth-Related Neurological Injury Compensation Plan; requires an administrative law judge to determine whether factual determinations regarding a required notice to obstetrical patients of participation in the plan are satisfied; provides exclusive jurisdiction to make such determinations; provides legislative intent; authorizes the State Board of Administration to invest and reinvest funds held on behalf of the plan in accordance with the trust agreement approved by the association.



- FL S 614 AUTHOR: Geller [D]
 TITLE: Medical Malpractice Fund
 DISPOSITION: Failed
 SUMMARY:
 Relates to the medical malpractice fund; creates Florida Medical Malpractice Insurance Fund; provides for governance by board of governors; requires board to submit plan of operation for approval by Office of Insurance Regulation; provides investment requirements; provides immunity from liability for members of board, its agents, and employees of state; provides for fund to issue medical malpractice policies to any physician, regardless of specialty.
- FL S 1120 AUTHOR: Hill [D]
 TITLE: Access Program for Sterile Syringes
 DISPOSITION: Failed
 SUMMARY:
 Relates to access program for sterile syringes; requires Department of Health to authorize municipality to establish access program for sterile syringes; authorizes municipality to contract with certain entities to operate access program; provides that possession of hypodermic syringe or needle by participant in access program does not constitute criminal offense.
- FL S 1184 COMPARE: FL S 368
 AUTHOR: Rich [D]
 TITLE: School Health Collaborative Act
 DISPOSITION: Failed
 SUMMARY:
 Relates to the School Health Collaborative Act; encourages creation of comprehensive school health collaboratives to provides comprehensive school health service; provides that person who is in public-private partnership with the county health department to form comprehensive school health collaborative acts as an agent of the Department of Health in providing school health services and enjoys limited liability; provides appropriation for a demonstration project.
- FL S 1722 AUTHOR: Wilson [D]
 TITLE: School Health Services Program
 DISPOSITION: Failed
 SUMMARY:
 Relates to school health services program; defines term school-based health center for purposes of School Health Services Act; provides that such center is health care entity acting as instrumentality of state for purposes of certain limitations on liability.
- FL S 2160 SIMILAR: FL H 1293
 AUTHOR: Saunders [R]
 TITLE: Patient Safety and Provider Liability
 DISPOSITION: Failed
 SUMMARY:
 Relates to patient safety and provider liability; creates Patient Safety and Provider Liability Act; authorizes insurers to issue insurance coverage that excludes medical negligence for certain health care professionals within hospital; provides limitation on noneconomic damages for hospital facility that complies with certain patient-safety measures; provides for limitations on damages for eligible hospitals



that are certified for compliance.

- FL S 2686 SIMILAR: FL H 1561
AUTHOR: Webster [R]
TITLE: Expert Witness Certificates
DISPOSITION: Failed - Adjourned
SUMMARY:
Relates to expert witness certificates; requires the Board of Medicine to issue expert witness certificate to any out-of-state allopathic physician who meets certain requirements; authorizes licensee to use expert witness certificate only under certain circumstances; requires all licensure fees to be waived for person obtaining said certificate but not otherwise allowed to practice medicine in state.
- GA H 231 AUTHOR: Rice [R]
TITLE: Torts
DISPOSITION: Failed - Adjourned
SUMMARY:
Relates to torts; changes provisions relating to award and apportionment of damages against joint tort feasons; provides for apportionment of liability according to degree of responsibility; to deny recovery to certain plaintiffs responsible for the injury or damages claimed; eliminates provisions relating to right of contribution; eliminates provisions relating to former apportionment of damages under certain circumstances.
- GA H 233 AUTHOR: O'Neal [R]
TITLE: Torts
DISPOSITION: Failed - Adjourned
SUMMARY:
Relates to torts, so as to change provisions relating to establishment of liability and standard of care in claims arising out of the provision of emergency medical care.
- GA H 234 AUTHOR: Hatfield [R]
TITLE: Judicial Proceedings
DISPOSITION: Failed - Adjourned
SUMMARY:
Relates to the use of experts in judicial proceedings; relates to evidence; changes provisions relating to when the opinions of experts are admissible; provides that an expert must meet certain qualifications in order to execute an affidavit for use in a professional malpractice action.
- GA H 235 AUTHOR: Keen [R]
TITLE: Civil Practice And Torts
DISPOSITION: Failed - Adjourned
SUMMARY:
Relates to torts, so as to provide for certain civil justice reforms with respect to certain health care liability claims; to state legislative findings and intent; to define terms; to provide for certain limits on the amount of noneconomic damages which may be recovered in certain health care liability claims; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws.



- GA H 237 AUTHOR: Tumlin [R]
 TITLE: Hospitals
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to torts; changes provisions relating to liability of hospitals for acts or omissions of health care professionals; provides that hospitals shall not be liable unless there is an actual agency or employment relationship; requires hospitals to provide certain notices; provides rules for determining the existence or absence of agency, employment relationships and independent contractor status; provides for practice and procedure.
- GA H 238 AUTHOR: Fleming [R]
 TITLE: Civil Practice
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to civil practice; changes certain provisions relating to venue; changes provisions relating to determination of venue in actions against joint defendants and the effect of dismissal of one or more parties; provides that a court of this state may decline to adjudicate certain claims under the doctrine of forum non conveniens; provides for practice and procedure in connection therewith.
- GA H 239 AUTHOR: Fleming [R]
 TITLE: Civil Practice
 DISPOSITION: Enacted
 SUMMARY:
 Relates to civil practice, so as to provide for the manner of making certain settlement offers in certain civil actions; to provide that a party rejecting a settlement offer may be liable for litigation costs where a judgment is significantly less favorable to the rejecting party than was the settlement offer; to provide for practice and procedure; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws.
- GA H 274 AUTHOR: Millar [R]
 TITLE: Torts
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates respectively to health, insurance and torts; provides a comprehensive mechanism to address rising medical malpractice insurance rates and the need for tort reform; changes provisions relating to duties, functions, and powers of the Department of Human Resources; provides for confidentiality of certain information; provides for fees on medical malpractice insurance premiums; limits liability on damages in certain circumstances.
- GA H 329 AUTHOR: Lindsey [R]
 TITLE: Noneconomic Damages
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to general provisions for damages in tort actions, so as to limit noneconomic damages in certain actions relating to medical negligence; to provide for definitions; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws.



- GA H 339 AUTHOR: Hatfield [R]
 TITLE: Medical Liability
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to torts, so as to limit medical damages in actions relating to health care in instances where the defendant maintains medical liability insurance; changes provisions relating to agency liability of medical facilities; changes provisions relating to apportionment of award according to degree of fault; creates provisions relating to apportioning damages in certain malpractice actions; provides for related matters.
- GA H 571 AUTHOR: Lindsey [R]
 TITLE: Medical Malpractice
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to civil practice; provides substantial new procedures relating to the determination of medical malpractice actions; imposes an obligation of presuit investigation on the parties and provide for certain discovery and practice and procedure in connection therewith; authorizes presuit investigation of claims by the courts; provides for notices prior to filing of actions and discovery and practice and procedure in connection therewith.
- GA H 572 AUTHOR: Lindsey [R]
 TITLE: Evidence
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to evidence; changes provisions relating to qualifications of expert witnesses and consideration of their testimony; provides for related matters; provides an effective date and applicability; repeals conflicting laws.
- GA H 573 AUTHOR: Lindsey [R]
 TITLE: Civil Practice
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to civil practice; changes certain provisions relating to venue; changes provisions relating to determination of venue in actions against joint defendants and the effect of dismissal of one or more parties; provides that all joint defendants may elect any county and court in which venue is otherwise proper; provides that such election shall waive any future objection to the venue selected; provides for practice and procedure.
- GA H 574 AUTHOR: Willard [R]
 TITLE: Civil Practice
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to provisional and final remedies and special proceedings under the Georgia Civil Practice Act to provide for offers of judgment; provides that in certain circumstances when an offer is rejected the offeree shall be liable for certain attorney's fees and expenses of litigation; provides for practice and procedure; provides for related matters; provides for an effective date and applicability; repeals conflicting laws.



GA H 575	<p>AUTHOR: Lindsey [R] TITLE: Medical Malpractice DISPOSITION: Failed - Adjourned SUMMARY: Relates to civil practice; provides that in certain civil actions the plaintiff must file a medical authorization form with the complaint; provides for defendants' access to plaintiffs' records; provides for practice and procedure and related matters; provides an effective date and applicability; repeals conflicting laws.</p>
GA S 3	<p>AUTHOR: Smith [R] TITLE: Health Care Tort Actions DISPOSITION: Enacted SUMMARY: Provides for substantive and comprehensive revision of provisions regarding civil practice and evidentiary matters; provides for liability in tort actions in general and actions related to health care in particular; relates to venue in actions with joint defendants; changes provisions relating to affidavits accompanying charges of professional malpractice cases; provides for offers for judgement; relates to the liability of hospitals in relation to emergency care.</p>
GA S 36	<p>AUTHOR: Jones [D] TITLE: Malpractice Actions DISPOSITION: Failed - Adjourned SUMMARY: Enacts new chapter medical review panel qualifications.</p>
GA S 232	<p>AUTHOR: Carter [R] TITLE: Torts DISPOSITION: Failed - Adjourned SUMMARY: Relates to torts; changes provisions relating to determination of the standard of care and determination of whether that standard has been breached in deciding certain actions relating to the provision of emergency medical services by a hospital or health care provider; to define terms; states findings; provides for factors to be considered and practice and procedure; provides for related matters.</p>
HI S 2658	<p>AUTHOR: Baker [D] TITLE: Medical Liability DISPOSITION: Failed - Adjourned SUMMARY: Requires the reporting of serious medical errors to the department of health and the medical facilities' patient safety committee. Requires open disclosure of serious medical errors to patients and their families. Requires medical facilities to develop a mediation model for handling serious medical errors; relates to medical liability.</p>
KS H 2547	<p>AUTHOR: Swenson [R] TITLE: Damage Cap Notification DISPOSITION: Failed - Adjourned SUMMARY: Relates to personal injury and wrongful death actions; states that jury may be informed of damage caps.</p>



KS H 2702 AUTHOR: Judiciary Cmt
 TITLE: Health Care Stabilization Fund
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Concerns insurance; relates to the health care stabilization fund; regards notice of action; relates to any action filed in this state for personal injury or death arising out of the rendering of professional services by any health care provider covered by the fund.

KS H 2789 AUTHOR: Kinzer [R]
 TITLE: Subrogation Rights
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Concerns subrogation rights under health insurance policies.

KS S 335 AUTHOR: Special Committee on Judiciary
 TITLE: Collateral Source Benefits
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Relates to evidence of collateral source benefits allowed in personal injury cases where damages requested.

MA H 870 FILED AS: MA HD 2422
 AUTHOR: Vallee [D]
 TITLE: Patient Care Access Legislation
 DISPOSITION: Pending
 SUMMARY:
 Relates to medical malpractice claims.

MA H 2966 AUTHOR: Galvin [D]
 TITLE: Relative To Liability Insurance For Certain Health
 DISPOSITION: Pending
 SUMMARY:
 Relates to liability insurance for certain health care professionals.

MA H 3059 AUTHOR: Mariano [D]
 TITLE: Liability Insurance For Health Care Professionals
 DISPOSITION: Pending
 SUMMARY:
 Relates to liability insurance for health care professionals.

MA H 3123 AUTHOR: Mariano [D]
 TITLE: Liability For Workers Compensation Payments
 LAST AMEND: 01/19/2006
 DISPOSITION: Pending
 SUMMARY:
 Relates to liability for workers' compensation payments.



MA H 3904 AUTHOR: Mariano [D]
 TITLE: Professional Liability Insurance
 LAST AMEND: 05/17/2006
 DISPOSITION: Pending
 SUMMARY:
 Relates to professional liability insurance; every insurer or risk management organization which provides insurance to a physician licensed under Chapter 112 of the Massachusetts General Laws shall make an annual report to the Betsy Lehman Center for Patient Safety and Medical Error Reduction established by Chapter 177 of the Acts of 2005.

MA S 1009 FILED AS: MA SD 273
 AUTHOR: Moore [D]
 TITLE: Medical Malpractice System Reform
 DISPOSITION: Pending
 SUMMARY:
 Reforms the medical malpractice system.

MD H 1058 AUTHOR: Shank [R]
 TITLE: Civil Action Reform Act of 2006
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Requires a panel chairman or court to order a party or an attorney of the party or both to pay specified costs and expenses if a proceeding was maintained or defended under specified circumstances involving bad faith or a lack of substantial justification; requires that specified testimony of an expert witness meet specified criteria in a civil action.

MI H 4124 SPONSOR: Condino [D]
 TITLE: Malpractice Restrictions
 DISPOSITION: Pending
 SUMMARY:
 Revises restrictions on persons to whom certified public accountants are liable for malpractice.

MI H 4259 SPONSOR: Hune [R]
 TITLE: Sympathy Evidence
 DISPOSITION: Pending
 SUMMARY:
 Prohibits evidence of expressions of sympathy as proof of liability in civil actions.

MI H 4508 SPONSOR: Kahn [R]
 TITLE: Medical Personnel Liability in Emergencies
 LAST AMEND: 12/13/2005
 DISPOSITION: Enacted
 SUMMARY:
 Expands the individuals immune from liability under the emergency management act to include registered and practical nurses, nursing students, dentists, veterinarians, pharmacists and pharmacist interns, paramedics, and medical residents if licensed in the state, another state or by the federal government.



MI H 4626	SPONSOR: Condino [D] TITLE: Insurance Enrollee Liability DISPOSITION: Pending SUMMARY: Provides for liability for certain harm to insurance enrollee.
MI H 4669	SPONSOR: Vander Veen [R] TITLE: Good Samaritan Law Expansion DISPOSITION: Pending SUMMARY: Expands the "Good Samaritan" law to apply to any health care professional providing voluntary, nonemergency services.
MI H 4773	SPONSOR: Byrum [D] TITLE: Drug Liability Immunity DISPOSITION: Pending SUMMARY: Rescinds immunity from liability for drugs that have been approved by federal food and drug administration.
MI H 4775	SPONSOR: Gleason [D] TITLE: Health Care Conscientious Objection DISPOSITION: Pending SUMMARY: Allows conscientious objection to providing or participating in certain health care services by health care facilities under certain circumstances.
MI H 4811	SPONSOR: Drolet [R] TITLE: Drug Liability DISPOSITION: Pending SUMMARY: Allows liability suits brought against drug manufacturers for drugs that have been approved by the federal food and drug administration.
MI H 5054	SPONSOR: Taub [R] TITLE: Disaster Health Care Liability DISPOSITION: Enacted SUMMARY: Relates to governmental immunity; provides liability protection for specified licensed health professionals assisting public safety in search, rescue, and recovery resulting from natural or manmade disasters and emergencies.
MI H 5071	SPONSOR: Donigan [D] TITLE: Medication Risk Liability DISPOSITION: Pending SUMMARY: Relates to consumer protection and unfair trade practices; clarifies liability for inaccurate representations concerning risks of certain drugs, medications, and supplements.



- MI H 5139 SPONSOR: McDowell [D]
 TITLE: Period of Limitations
 DISPOSITION: Pending
 SUMMARY:
 Amends provisions regarding the period of limitations for drug liability lawsuits filed within a specified amount of time; relates to the period of limitations for actions to recover damages for the death of a person or for injury to a person or property; amends provisions regarding the period of limitations for an action charging assault, battery or false imprisonment related to domestic abuse.
- MI H 5158 SPONSOR: Condino [D]
 TITLE: Professional Liability Insurance
 DISPOSITION: Pending
 SUMMARY:
 Provides for a procedure for termination of professional liability insurance; requires written notice of termination or refusal to renew a policy for professional liability insurance; requires a clear and concise explanation of the termination, nonrenewal or noncontinuation if the action is based upon concerns related to quality or claims incurred under the policy; prohibits termination without cause.
- MI H 5256 SPONSOR: Proos [R]
 TITLE: Medical Malpractice Insurance
 DISPOSITION: Enacted
 SUMMARY:
 Provides the notification procedures for the nonrenewal or cancellation of a medical malpractice insurance policy.
- MI H 5375 SPONSOR: Newell [R]
 TITLE: Physician Lawsuit Exemptions
 DISPOSITION: Enacted
 SUMMARY:
 Provides immunity from civil lawsuits for death, injury or malpractice, except for gross negligence, to physicians providing without compensation medical care under a volunteer license and at a facility providing at least 75 percent of care to medically indigent persons.
- MI S 333 SPONSOR: Brater [D]
 TITLE: Health Insurance Liability
 DISPOSITION: Pending
 SUMMARY:
 Provides for liability for certain harm to a health insurance enrollee.
- MO H 1046 SPONSOR: Kuessner [D]
 TITLE: Basis for Medical Malpractice Insurance Premiums
 DISPOSITION: Failed - Adjourned
 SUMMARY:
 Establishes the basis for medical malpractice insurance premiums to be the average judgment in medical malpractice cases in the county in which the provider practices.



MO H 1087	SPONSOR: Schaaf [R] TITLE: Medical Malpractice Professional Negligence Insurance DISPOSITION: Failed - Adjourned SUMMARY: Creates notice and reporting requirements, public market rates, and presumptions for the Department of Insurance and entities providing medical malpractice and professional negligence insurance.
MO H 1118	SPONSOR: Dempsey [R] TITLE: Health Care Providers DISPOSITION: Failed - Adjourned SUMMARY: Provides immunity from civil damages for health care providers deployed in an emergency.
MO H 1323	SPONSOR: Lipke [R] TITLE: Care Facilities DISPOSITION: Failed - Adjourned SUMMARY: Requires long-term care facilities licensed in this state to maintain at least \$500,000 in medical malpractice insurance as a condition of licensure.
MO S 609	SPONSOR: Crowell [R] TITLE: Pharmaceutical Professionals Conscience Rights DISPOSITION: Failed - Adjourned SUMMARY: Relates to protecting conscience rights of pharmaceutical professionals.
MO S 698	SPONSOR: Bray [D] TITLE: Medical Malpractice DISPOSITION: Failed SUMMARY: Relates to medical malpractice.
MO S 811	SPONSOR: Bray [D] TITLE: Medical Malpractice Insurance DISPOSITION: Failed - Adjourned SUMMARY: Relates to medical malpractice insurance.
NE L 62	AUTHOR: Beutler [NP] TITLE: Chiropractor Liens DISPOSITION: Failed - Adjourned SUMMARY: Provides for liens for chiropractors.
NE L 194	AUTHOR: Thompson [NP] TITLE: Medical Liens DISPOSITION: Failed - Adjourned SUMMARY: Changes provisions relating to medical liens.



NH LSR 2142 AUTHOR: Buzzell [D]
TITLE: Mental Health Care Workers
DISPOSITION: Failed - Adjourned
SUMMARY:
Provides limited immunity to mental health care workers caring for voluntarily admitted patients.

NH LSR 2206 AUTHOR: Rowe [R]
TITLE: Medical Malpractice Insurance Study Commission
DISPOSITION: Failed - Adjourned
SUMMARY:
Establishes a medical malpractice insurance study commission.

NH LSR 2377 AUTHOR: Mitchell B [D]
TITLE: Self Insurance Groups
DISPOSITION: Failed - Adjourned
SUMMARY:
Relates to a commission to study the feasibility of forming self-insurance groups for medical malpractice.

NH LSR 2503 AUTHOR: Hunter [R]
TITLE: Morning After Pill
DISPOSITION: Failed - Adjourned
SUMMARY:
Grants immunity from liability to any pharmacist who refuses to dispense the "morning after" pill without a prescription.

NH LSR 2605 AUTHOR: Rodeschin [R]
TITLE: Civil Liability For Volunteers
DISPOSITION: Failed - Adjourned
SUMMARY:
Relates to civil liability for volunteers.

NH LSR 2664 AUTHOR: Gale [R]
TITLE: Nursing Home Care
DISPOSITION: Failed
SUMMARY:
Relates to limiting county liability for costs of nursing home care.

NJ A 494 SPONSOR: Bateman [R]
TITLE: Medical Malpractice
DISPOSITION: Pending
SUMMARY:
Provides standards for expert witnesses in medical malpractice actions against physicians.

NJ A 721 SPONSOR: Russo [R]
TITLE: Special Medical Malpractice Part
DISPOSITION: Pending
SUMMARY:
Establishes a Special Medical Malpractice Part in the Superior Court.



NJ A 945	SPONSOR: Munoz [R] TITLE: Medical Care Availability DISPOSITION: Pending SUMMARY: Relates to New Jersey Medical Care Availability and Patient Protection Act of 2004.
NJ A 1634	SPONSOR: Conaway [D] TITLE: Medical Malpractice DISPOSITION: Pending SUMMARY: Revises standards for expert witnesses in medical malpractice actions.
NJ S 671	SPONSOR: Kean [R] TITLE: Medical Malpractice DISPOSITION: Pending SUMMARY: Establishes a Medical Malpractice Court.
NY A 2943	SAME AS: NY S 764 SPONSOR: Gottfried [D] TITLE: No Disclosure in Health Care Quality Assurance Cases DISPOSITION: Pending SUMMARY: Prohibits the disclosure and discovery of the testimony of a party to a health care quality assurance or peer review proceeding; adds further the failure to cooperate and participate in the quality assurance reporting, activities, requirements and procedures covered under such discovery to the definition of professional misconduct.
NY A 5674	SAME AS: NY S 3035 SPONSOR: Schimminger [D] TITLE: Medical Liability Reform Act DISPOSITION: Pending SUMMARY: Enacts the Medical Liability Reform Act; requires attorney for plaintiff in a medical, dental or podiatric malpractice case to include with the certificate of merit, an affidavit of an appropriate medical professional licensed in this state stating that there is reasonable basis for such malpractice action; limits noneconomic damages in such causes of action to \$250,000.
NY A 5856	SAME AS: NY S 54 SPONSOR: Weinstein [D] TITLE: Damages in Wrongful Death Actions DISPOSITION: Pending SUMMARY: Provides for the types of damages that may be awarded to the persons for whose benefit an action for wrongful death is brought.



- NY S 54 SAME AS: NY A 5856
 SPONSOR: DeFrancisco [R]
 TITLE: Damages in Wrongful Death Actions
 DISPOSITION: Pending
 SUMMARY:
 Provides for the types of damages that may be awarded to the persons for whose benefit an action for wrongful death is brought.
- NY S 764 SAME AS: NY A 2943
 SPONSOR: Hannon [R]
 TITLE: Health Maintenance Organizations
 DISPOSITION: Pending
 SUMMARY:
 Authorizes the Superintendent of Insurance to ensure that health maintenance organizations, integrated delivery systems, group plans and managed care organizations do not engage in unfair benefit or payment settlement practices as defined.
- NY S 1617 SAME AS: NY A 5208
 SPONSOR: Volker [R]
 TITLE: Naturopathic Medicine
 DISPOSITION: Pending
 SUMMARY:
 Regulates the practice of naturopathic medicine; establishes a state board for naturopathic medicine; establishes requirements to receive a limited permit in naturopathic medicine; establishes mandatory continuing competency for naturopaths; requires licensed naturopaths to report suspected child abuse.
- NY S 3035 SAME AS: NY A 5674
 SPONSOR: Hannon [R]
 TITLE: Medical Liability Reform Act
 DISPOSITION: Pending
 SUMMARY:
 Enacts the Medical Liability Reform Act; requires attorney for plaintiff in a medical, dental or podiatric malpractice case to include with the certificate of merit, an affidavit of an appropriate medical professional licensed in this state stating that there is a reasonable basis for such malpractice action; limits noneconomic damages in such causes of action to \$250,000.
- OH S 88 SPONSOR: Coughlin [R]
 TITLE: Medical Negligence
 DISPOSITION: Pending
 SUMMARY:
 Establishes a pilot program mandating arbitration for claims of medical negligence prior to the filing of a complaint and to terminate the provisions of this act ten years after the effective date of this act.



PA H 132 PN: 133
AUTHOR: Payne [R]
TITLE: Medical Professional Liability Actions
DISPOSITION: Pending
SUMMARY:
(Joint Resolution) Proposes an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for medical professional liability actions.

PA H 166 PN: 173
AUTHOR: Godshall [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error Act of 2002. Provides for medical professional liability actions.

PA H 167 PN: 174
AUTHOR: Godshall [R]
TITLE: Medical Malpractice Actions
DISPOSITION: Pending
SUMMARY:
(Joint Resolution) Proposes an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing legislation to limit recovery of noneconomic and punitive damages in medical malpractice actions.

PA H 210 PN: 212
AUTHOR: Godshall [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error Act of 2002. Provides for limitations on attorney fees.

PA H 212 PN: 214
AUTHOR: Godshall [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error Act of 2002. Provides for hospital care or assistance necessitated by traumatic injury immunity.

PA H 379 PN: 406
AUTHOR: Godshall [R]
TITLE: Medical Malpractice Action Attorney Fees
DISPOSITION: Pending
SUMMARY:
(Joint Resolution) Proposes an amendment to the Constitution of the Commonwealth of Pennsylvania. Authorizes limitations on attorney fees in medical malpractice actions.



- PA H 501 PN: 539
AUTHOR: Gannon [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Further provides for medical professional liability insurance.
- PA H 622 PN: 695
AUTHOR: Godshall [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (MCare) Act of 2002. Further provides for medical professional liability claims.
- PA H 719 PN: 810
AUTHOR: George [D]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Provides for the establishment of three-person panels composed of a retired judge, an attorney and a physician to conduct preadjudication screening of medical professional liability actions in order to determine whether the action or claim is frivolous or nonfrivolous.
- PA H 736 PN: 827
AUTHOR: Boyd [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Relates to medical professional liability and medical professional liability claims. Provides for allocation of damages in medical professional liability claims.
- PA H 743 PN: 834
AUTHOR: Mundy [D]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Further provides for declaration of policy, for the Medical Care Availability and Reduction of Error Fund, for medical professional liability insurance by the joint underwriting association, for approval of medical professional liability insurers and for administrative definitions. Provides for functions of the Department of Health.



PA H 821 PN: 854
AUTHOR: Feese [R]
TITLE: Supplemental Appropriation
DISPOSITION: Pending
SUMMARY:
Makes appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

PA H 1251 PN: 1477
AUTHOR: Tigie [D]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Prohibits certain settlement agreements. Requires settlement agreements to be subject to disclosure.

PA H 1752 PN: 2329
AUTHOR: Quigley [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Further provides for collateral sources.

PA H 1829 PN: 2443
AUTHOR: Cornell [R]
TITLE: Medical Professional Liability Actions
DISPOSITION: Pending
SUMMARY:
(Joint Resolution) Proposes an amendment to the Constitution of the Commonwealth of Pennsylvania. Allows the General Assembly to enact laws limiting the amount of recovery for noneconomic and punitive damages in any medical professional liability action.

PA H 1831 PN: 2445
AUTHOR: Reichley [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Provides for mandatory arbitration.



PA H 1942 PN: 2653
AUTHOR: Rooney [D]
TITLE: Medical Practice Disclosure Act
DISPOSITION: Pending
SUMMARY:
Creates the Medical Practice Disclosure Act. Requires disclosure of disciplinary actions and malpractice awards. Requires reporting by malpractice insurers, risk management organizations and hospitals. Requires reports of violations by public offenders or employees. Requires physicians without professional liability insurance to report settlements or arbitration awards for damages for death or personal injury. Provides for public access to information. Creates the Medical Professional Records Check Fund.

PA H 2367 PN: 3377
AUTHOR: Gabig [R]
INTRODUCED: 01/23/2006
DISPOSITION: Pending
SUMMARY:
Amends the Judiciary and Judicial Procedure Code. Provides for medical referral civil immunity.

PA HR 223 PN: 1497
AUTHOR: DeLuca [D]
TITLE: Medical Malpractice
DISPOSITION: Pending
SUMMARY:
Directs the Legislative Budget and Finance Committee to investigate the disciplinary practices of the State Board of Medicine and the State Board of Osteopathic Medicine with respect to medical malpractice and related consumer complaints.

PA HR 256 PN: 1649
AUTHOR: Schroder [R]
TITLE: Medical Liability Insurance Coverage
DISPOSITION: Pending
SUMMARY:
Directs the Legislative Budget and Finance Committee to study the impact of recent medical liability reforms, including actions by the General Assembly and the Supreme Court on improving the availability and affordability of medical liability insurance coverage for health care providers in this Commonwealth.

PA S 76 PN: 66
AUTHOR: Greenleaf [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Further provides for medical professional liability insurance, for Medical Care Availability and Reduction of Error Fund and for actuarial data.



PA S 77 PN: 67
AUTHOR: Greenleaf [R]
TITLE: The Safety Net Insurance Plan
DISPOSITION: Pending
SUMMARY:
Establishes the safety net insurance plan for health care providers. Provides for duties of the Insurance Department and for authority of the joint underwriting association.

PA S 78 PN: 69
AUTHOR: Greenleaf [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Defines "serious injury". Provides for medical professional liability action.

PA S 79 PN: 70
AUTHOR: Greenleaf [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Further provides for medical professional liability insurance.

PA S 80 PN: 71
AUTHOR: Greenleaf [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Further provides for Medical Care Availability and Reduction of Error Fund.

PA S 207 PN: 199
AUTHOR: Greenleaf [R]
TITLE: Judiciary and Judicial Procedure Code
DISPOSITION: Pending
SUMMARY:
Amends the Judiciary and Judicial Procedure Code. Provides for certain immunity for hospitals that donate medicine, medical supplies and equipment in good faith for humanitarian assistance.

PA S 585 PN: 609
AUTHOR: Williams C [D]
TITLE: Judiciary and Judicial Procedure Code
DISPOSITION: Pending
SUMMARY:
Amends the Judiciary and Judicial Procedure Code. Adds and changes definitions. Further provides for the unified judicial system. Establishes the appellate division of the Medical Professional Liability Court. Further provides for right to appellate review and for appeals generally.



- PA S 719 PN: 863
AUTHOR: LaValle [D]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (MCare) Act of 2002. Provides that a 20% discount shall be provided by a basic insurance coverage insurer to a physician who has been licensed for the medical profession for which the insurance is written by the licensing board for the preceding five years and has not been the subject of a claim for which an award for damages or judgment has been entered against the physician during the preceding five years.
- PA S 757 PN: 924
AUTHOR: Browne [R]
TITLE: Medical Care Availability
DISPOSITION: Pending
SUMMARY:
Amends the Medical Care Availability and Reduction of Error (Mcare) Act of 2002. Further provides for declaration of policy, for patient safety definitions, for powers and duties of the Patient Safety Authority and for powers and duties of the Department of Health. Provides for whistleblower protection.
- PA S 899 PN: 1190
AUTHOR: Waugh [R]
TITLE: Judiciary and Judicial Procedure Code
DISPOSITION: Pending
SUMMARY:
Amends the Judiciary and Judicial Procedure Code. Provides that any retired physician who is a member of a Medical Reserve Corps unit and who renders care during an emergency shall not be liable for any civil damages as a result of any acts or omissions by the physician in rendering the care. Provides an exception for any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving care.
- SC S 1059 AUTHOR: Hutto [D]
TITLE: Medical Malpractice Suit Evidence
DISPOSITION: Enacted
SUMMARY:
Enacts the Unanticipated Medical Outcome Reconciliation Act; provides that in a claim brought by or on behalf of a patient allegedly experiencing an unanticipated outcome of medical care, certain statements, gestures, activities or conduct expressing benevolence, regret, apology, condolence, mistake, or error made by a health care provider or his employee are inadmissible as evidence and do not constitute an admission of liability; provides a defendant may waive the inadmissibility of certain statements.



VT S 198 AUTHOR: Sears [D]
 TITLE: Court Procedure and Medical Errors
 DISPOSITION: Enacted
 SUMMARY:
 Proposes the following provisions related to reporting and notification of medical errors; makes an expression of regret or apology made by or on behalf of a health care provider inadmissible in any civil or administrative proceeding against the provider; requires health care providers to report medical errors to patients; establishes a program called Sorry Works intended to reduce medical malpractice litigation and insurance premiums.

WA H 2292 AUTHOR: Lantz [D]
 TITLE: Health Care Improvement
 DISPOSITION: Enacted
 SUMMARY:
 Improves health care by increasing patient safety, reducing medical errors, reforming medical malpractice insurance, and resolving medical malpractice claims fairly without imposing mandatory limits on damage awards or fees.

WI A 207 AUTHOR: Hundertmark [R]
 TITLE: Employment Discrimination Based on Creed
 DISPOSITION: Vetoed
 SUMMARY:
 Relates to employment discrimination based on creed; provides exemption from liability and discipline for health care professionals and health care facility employees, doctors and nurses who refuse to participate in sterilization, abortion, assisted suicide, and other procedures on moral or religious grounds; includes in vitro human embryos.

WI A 259 AUTHOR: Gielow [R]
 TITLE: Health Care Liability Insurance Requirements
 DISPOSITION: Enacted
 SUMMARY:
 Relates to provider organizations subject to health care liability insurance requirements; adds, as another type of health care provider that is subject to the health care liability requirements, any business entity organized and operated in this state for profit for the primary purpose of providing the medical services of physicians or nurse anesthetists, including a firm, a limited liability company, and a joint venture; relates to joint liability and organizations subject to insurance requirements.

WI A 285 AUTHOR: Owens [R]
 TITLE: Employment Discrimination based on Creed
 DISPOSITION: Failed
 SUMMARY:
 Relates to employment discrimination based on creed and exemption from liability and discipline for pharmacists who refuse to dispense for abortions, assisted suicides, and euthanasia.



- WI A 294 AUTHOR: Wieckert [R]
 TITLE: Injured Patients and Families Compensation Fund
 DISPOSITION: Failed
 SUMMARY:
 Prohibits legislation to change the purpose of the injured patients and families compensation fund.
- WI A 306 AUTHOR: Wasserman [D]
 TITLE: Automatic Defibrillator Civil Liability Immunity
 DISPOSITION: Failed
 SUMMARY:
 Provides immunity from civil liability for users, owners, and providers of automatic defibrillators for acts or omissions in rendering emergency care in good faith.
- WI A 764 AUTHOR: Gielow [R]
 TITLE: Medical Malpractice Damages
 DISPOSITION: Vetoed
 SUMMARY:
 Relates to awards to persons suffering damages as the result of medical malpractice and evidence of compensation for those damages; provides that evidence of the claimant's obligations of subrogation or reimbursement resulting from payments made by sources other than the defendant to compensate the claimant for the injury is admissible in an action to recover damages for medical malpractice.
- WI A 765 AUTHOR: Gielow [R]
 TITLE: Injured Patients and Families Compensation Fund
 DISPOSITION: Enacted
 SUMMARY:
 Relates to coverage under the injured patients and families compensation fund of medical school graduates engaged in postgraduate training; provides for persons who have equivalent education and experience from a recognized foreign medical school; applies only to claims arising out of practice that is in the state and outside the scope of a specified exemption.
- WI A 766 AUTHOR: Gielow [R]
 TITLE: Medical Malpractice Cases
 DISPOSITION: Vetoed
 SUMMARY:
 Relates to recovery of noneconomic damages in medical malpractice cases; provides limitation on noneconomic damages for acts or omissions of a health care provider or employee of a health care provider; relates to concealment; relates to foreign objects left in a patient's body; provides damage amounts for a person under the age of 18 at the time of the injury and for a patient over age 18 at the time of the injury; relates to a cap on noneconomic damages along with mandatory liability insurance coverage.



- WI A 1021 AUTHOR: Gielow [R]
 TITLE: Inadmissibility of a Statement of Apology
 DISPOSITION: Vetoed
 SUMMARY:
 Provides that a statement or conduct of a health care provider that expresses apology, condolence, or sympathy to a patient or patient's relative or representative is not admissible into evidence or subject to discovery in any civil action or administrative hearing regarding the health care provider as evidence of liability or as an admission against interest.
- WI S 74 AUTHOR: Risser [D]
 TITLE: Medical Malpractice Claim Notification
 DISPOSITION: Failed
 SUMMARY:
 Relates to notification of the state regarding a medical malpractice claim.
- WI S 155 AUTHOR: Reynolds [R]
 TITLE: Pharmacists Responsibilities
 DISPOSITION: Failed
 SUMMARY:
 Relates to employment discrimination based on creed and exemption from liability and discipline for pharmacists who refuses to dispense for abortions, assisted suicides, and euthanasia.
- WI S 186 AUTHOR: Leibham [R]
 TITLE: Automated Defibrillators
 DISPOSITION: Enacted
 SUMMARY:
 Provides immunity from civil liability for users, owners, and providers of automated defibrillators for acts or omissions in rendering emergency care in good faith; substitutes the term automated external defibrillator for an automatic or semiautomatic defibrillator; relates to manual defibrillators and automated external defibrillators set to operate as a manual defibrillator.
- WI S 228 AUTHOR: Stepp [R]
 TITLE: Health Care Liability
 DISPOSITION: Failed
 SUMMARY:
 Relates to provider organizations subject to health care liability requirements.

