

March 26, 2009

**S 979. HEALTH CARE LIABILITY CLAIMS.** Filed 3/25/09. *TO LIMIT THE AMOUNT OF DAMAGES THAT MAY BE AWARDED IN CIVIL ACTIONS AGAINST HEALTH CARE PROVIDERS FOR HEALTH CARE LIABILITY CLAIMS, TO OTHERWISE REFORM HEALTH CARE LIABILITY AND MAKE CONFORMING CHANGES.*

Amends Article 1G of Chapter 90, which addresses liability of health care providers, by designating the current contents of the Article as Part 1 and establishing a new Part 2 entitled "Limitations on Liability." Limits the amount of noneconomic damages that may be awarded against a physician or health care provider to \$250,000 per claimant, regardless of the number of defendants named or causes of action asserted. Limits noneconomic damages that may be awarded against a health care institution to \$250,000 per claimant, except that where judgment is rendered against more than one institution, the limit is \$500,000 per claimant. In the event the damage limitations are invalidated, establishes an alternative limitation on noneconomic damages which takes into account the amount of the defendant's financial responsibility. Limits the amount of all damages, including punitive damages awarded in a wrongful death or survival action against physician or health care provider to \$500,000 per claimant, except that the limit does not apply to damages awarded for expenses of future care. Provides that the limit is increased or decreased in accordance with the consumer price index. Also sets a liability limit of \$500,000 for an action against hospitals providing "free care" if the claimant signs an acknowledgment of the liability limitation or if the claimant could not sign the acknowledgment because the individual was incapacitated or a minor and the guardian was unavailable. Effective October 1, 2009 and applies to claims filed on or after that date.

**Intro. by Bingham.**

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