

IN THE GENERAL ASSEMBLY
STATE OF _____

An Act

Regarding Ad Damnum Clause in Medical Liability Cases

1 Be it enacted by the People of the State of _____, represented in the General Assembly:

2 **Section 1.** As used in this Act:

3 (a) "Health care provider"* means any doctor of medicine, doctor of osteopathy or hospital
4 licensed by this State to provide health care services or an officer, employee or agent thereof
5 acting in the course and scope of employment.

6 (b) "Health care services" means acts of diagnosis, treatment, medical evaluation or advice or
7 such other acts as may be permissible under health care licensing statutes of this State.

8 **Section 2.** In any action against a health care provider for injury or death, whether based on tort,
9 contract or otherwise arising out of the provision of or failure to provide health care services, the ad
10 damnumclause, or prayer for damages, in the complaint shall not specify the amount of damages claimed,
11 but shall instead contain a general allegation of damages as may be necessary to satisfy the jurisdictional
12 requirements of the court to which the complaint is addressed.

13 **Section 3.** The party against whom the complaint or cross-complaint is made may at any time
14 request a statement setting forth the nature and amount of damages being sought. The request shall be
15 served upon the complainant or cross-complainant who shall serve a responsive statement as to the
16 damages within 15 days thereafter. In the event a response is not served, the party, on notice to the
17 complainant or cross-complainant, as the case may be, may petition the court in which the action is pending
18 to order the complainant or cross-complainant to serve a responsive statement.

19 **Section 4.** If no request is made for a statement setting forth the nature and amount of damages
20 being sought, the complainant or cross-complainant, as the case may be, shall give notice to the other of the

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22 *May designate other health professionals licensed by the State.

1 amount of special and general damages sought to be recovered: (1) before a default may be taken; or (2) in
2 the event an answer is filed, at least 60 days prior to the date set for trial.

3 **Effective Date.** This Act shall become effective immediately upon being enacted into law.

4 **Section 6. Severability.** If any provision of this Act is held by a court to be invalid, such
5 invalidity shall not affect the remaining provisions of this Act, and to this end the provisions of this Act are
6 hereby declared severable.

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