

**IN THE GENERAL ASSEMBLY
STATE OF _____**

An Act

Providing limitation on noneconomic damages in medical liability cases

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

2 **Section 1. Definitions.** 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
5 thereof 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 the health care licensing statutes of this State.

8 (c) "Noneconomic damages" means damages arising from pain, suffering, inconvenience,
9 physical impairment, mental anguish, emotional pain and suffering and any other non-
10 pecuniary damages.

11 **Section 2. Requirements.** In any action for damages for injury or death against any health care
12 provider, whether based on tort, contract or otherwise, arising out of the provision of or failure to
13 provide health care services, the injured plaintiff shall be entitled to recover noneconomic damages,
14 provided that the total amount of damages awarded for noneconomic losses shall not exceed \$250,000.
15 Any award of damages shall separately state the elements of damages upon which the award is based
16 and the amount assigned to each element.

*May designate other health professionals licensed by the State.