IN THE GENERAL ASSEMBLY
STATE OF _____________

An Act

To Provide for Regulation of Contingency Fees Paid by Medical Injury Claimants

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

Section 1. Definitions. As used in this Act:

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

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

Section 2.

(a) In any action for damages for injury or death against any health care provider, whether based upon tort, breach of contract or otherwise arising out of the provision of or failure to provide health care services, the plaintiff’s attorney shall not receive a contingency fee exceeding the following amounts:

If the total settlement
Or award is:
Not more than $50,000

The attorney’s fee shall not exceed:
40% of such amount
More than $50,000 but not
More than $100,000 $20,000 plus 33 1/3% of
the excess over $50,000
More than $100,000 but less
Than $200,000 $36,667 plus 25% of the
excess over $50,000
$200,000 or more $61,667 plus 10% of
excess over $200,000.

(b) Provided, however, that the court in which the action was instituted may, upon
petition of plaintiff or plaintiff’s attorney, fix a reasonable fee, in excess of the
amount specified in subsection 2(a) where in the opinion of the court the
circumstances justify additional compensation.

*May designate other health professionals licensed by the State.