

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 1173, Page 2, Section 538.210, Line 36, by inserting after all of said line  
2 the following:

3 "8. (1) The board of registration for the healing arts shall initiate a contested hearing under  
4 section 334.100 before the administrative hearing commission against any health care provider found  
5 liable for damages in excess of the limits set forth in this section under a cause of action filed under  
6 this section. Notwithstanding any other provision of law to the contrary, in such an action, the burden  
7 shall be on the health care provider to show that there is not reasonable cause to believe that the  
8 provider poses a threat to the safety of a patient or the public under subdivision (5) of subsection 2 of  
9 section 334.100. The plaintiff in the underlying case brought under this section shall have the right to  
10 intervene and either assist with or, at the plaintiff's option, prosecute the contested case before the  
11 administrative hearing commission.

12 (2) Any health care provider found liable more than once for damages in excess of the limits  
13 set forth in this section shall be presumed incompetent to provide medical services under the  
14 provisions of section 334.100. In such case, the health care provider may petition the administrative  
15 hearing commission for a hearing before imposition of discipline permitted under section 334.100  
16 within fifteen days of the judgment becoming final. The burden of proof in such cases shall be on  
17 the health care provider to show by clear and convincing evidence that they do not pose a threat to  
18 the safety of a patient or the public under subdivision (5) of subsection 2 of section 334.100. The  
19 plaintiff in the underlying case brought under this section shall have the right to intervene and either  
20 assist with or, at the plaintiff's option, prosecute the contested case before the administrative hearing  
21 commission. If the health care provider does not request a hearing before the administrative hearing  
22 commission within fifteen days, the board of registration for the healing arts shall revoke the health  
23 care provider's license for a minimum of five years."; and

24  
25 Further amend said bill by amending the title, enacting clause, and intersectional references  
26 accordingly.  
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Action Taken \_\_\_\_\_ Date \_\_\_\_\_