

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

**Offered By**

1 AMEND House Committee Substitute No. 2 for Senate Bill No. 710, Page 57, Section 198.644,  
2 Lines 43-49, by deleting said lines and inserting in lieu thereof the following:

3  
4 "(10) Indemnify and hold harmless a health care facility for any damages, sanctions, or civil  
5 monetary penalties that are proximately caused by an action or failure to act of any health care  
6 personnel the agency provides to the health care facility; provided that the amount for which the  
7 supplemental health care services agency may be liable to a health care facility for civil monetary  
8 penalties and sanctions shall not exceed one hundred thousand dollars for civil monetary penalties  
9 and sanctions that can be assessed against skilled nursing facilities by the United States Department  
10 of Health and Human Services or the Centers for Medicare and Medicaid Services. If the damages,  
11 sanctions, or civil monetary penalties are proximately caused by the negligence, action, or failure to  
12 act by the health care facility, then liability shall be determined by a percentage of fault and shall be  
13 the sole responsibility of the party against whom such determination is made. Such determinations  
14 shall be made by the agreement of the parties or a neutral third party who considers all of the  
15 relevant factors in making a determination."; and

16  
17 Further amend said bill by amending the title, enacting clause, and intersectional references  
18 accordingly.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_