

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 497, Page 12, Section 287.655,
2 Line 20, by inserting after all of said section and line the following:

3
4 "538.205. As used in sections 538.205 to 538.230, the following terms shall mean:

5 (1) "Catastrophic personal injury", a physical injury resulting in:

6 (a) Quadriplegia defined as the permanent loss of functional use of all four limbs;

7 (b) Paraplegia defined as the permanent loss of functional use of two limbs;

8 (c) Loss of [~~two~~] one or more limbs;

9 (d) An injury to the brain that results in permanent cognitive impairment resulting in the
10 permanent inability to make independent decisions or engage in one or more of the following
11 activities of daily living: eating, dressing, bathing, toileting, transferring, and walking;

12 (e) An injury that causes irreversible failure of one or more major organ systems; or

13 (f) Vision loss such that the patient's central visual acuity is no more than twenty/two-
14 hundred in the better eye with the best correction or whose field of vision in the better eye is
15 restricted to a degree that its widest diameter subtends an angle no greater than twenty degrees;

16 (2) "Economic damages", damages arising from pecuniary harm including, without
17 limitation, medical damages, and those damages arising from lost wages and lost earning capacity;

18 (3) "Employee", any individual who is directly compensated by a health care provider for
19 health care services rendered by such individual and other nonphysician individuals who are
20 supplied to a health care provider by an entity that provides staffing;

21 (4) "Equitable share", the share of a person or entity in an obligation that is the same
22 percentage of the total obligation as the person's or entity's allocated share of the total fault, as found
23 by the trier of fact;

24 (5) "Future damages", damages that the trier of fact finds will accrue after the damages
25 findings are made;

26 (6) "Health care provider", any physician, hospital, health maintenance organization,
27 ambulatory surgical center, long-term care facility including those licensed under chapter 198,
28 dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor,

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1 professional physical therapist, psychologist, physician-in-training, and any other person or entity
2 that provides health care services under the authority of a license or certificate;

3 (7) "Health care services", any services that a health care provider renders to a patient in the
4 ordinary course of the health care provider's profession or, if the health care provider is an
5 institution, in the ordinary course of furthering the purposes for which the institution is organized.
6 Professional services shall include, but are not limited to, transfer to a patient of goods or services
7 incidental or pursuant to the practice of the health care provider's profession or in furtherance of the
8 purposes for which an institutional health care provider is organized;

9 (8) "Medical damages", damages arising from reasonable expenses for necessary drugs,
10 therapy, and medical, surgical, nursing, x-ray, dental, custodial and other health and rehabilitative
11 services;

12 (9) "Noneconomic damages", damages arising from nonpecuniary harm including, without
13 limitation, pain, suffering, mental anguish, inconvenience, physical impairment, disfigurement, loss
14 of capacity to enjoy life, and loss of consortium but shall not include punitive damages;

15 (10) "Past damages", damages that have accrued when the damages findings are made;

16 (11) "Punitive damages", damages intended to punish or deter malicious misconduct or
17 conduct that intentionally caused damage to the plaintiff, including exemplary damages and
18 damages for aggravating circumstances;

19 (12) "Self-insurance", a formal or informal plan of self-insurance or no insurance of any kind."; and
20

21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.