

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

AMEND House Amendment No. _____ to House Bill No. 437, Page 1, Line 5, by inserting after all of said line the following:

"Further amend said bill and section, Page 3, Line 62, by inserting after all of said section and line the following:

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

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

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

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

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

1 (6) "Health care provider", any physician, hospital, health maintenance organization,
2 ambulatory surgical center, long-term care facility including those licensed under chapter 198,
3 dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor,
4 professional physical therapist, psychologist, physician-in-training, and any other person or entity
5 that provides health care services under the authority of a license or certificate;

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

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

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

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

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

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

24
25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.

27
28 THIS AMENDS AMENDMENT 1524H01.01H