

S 1370

Common Sense Medical Malpractice Reform Act of 2001

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Law

Introduced: Aug 3, 2001

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Aug 3, 2001)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/1370>

Sponsor

Name: Sen. McConnell, Mitch [R-KY]

Party: Republican • State: KY • Chamber: Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Kyl, Jon [R-AZ]	R · AZ		Feb 11, 2002
Sen. Voinovich, George V. [R-OH]	R · OH		Apr 18, 2002
Sen. Ensign, John [R-NV]	R · NV		Apr 29, 2002
Sen. Smith, Bob [R-NH]	R · NH		May 1, 2002
Sen. Bunning, Jim [R-KY]	R · KY		May 9, 2002

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Aug 3, 2001

Subjects & Policy Tags

Policy Area:

Law

Related Bills

No related bills are listed.

Summary (as of Aug 3, 2001)

Common Sense Medical Malpractice Reform Act of 2001 - Declares that, in a health care liability action that is subject to this Act: (1) the action may not be initiated unless a complaint is filed within two years, with exceptions; (2) the amount of non-economic damages shall not exceed \$250,000; and (3) an award for punitive damages may only be made if proven by clear and convincing evidence that the defendant intended to injure the claimant for a reason unrelated to the provision of health care services; understood the claimant was substantially certain to suffer unnecessary injury and deliberately failed to avoid such injury; or acted with a conscious disregard of a substantial and unjustifiable risk of unnecessary injury which the defendant failed to avoid in a manner which constitutes a gross deviation from the normal standard of conduct.

Establishes additional limitations on punitive damages, including specified requirements for the pleading of punitive damages, and a requirement (at the request of any defendant in a health care liability action) that the trier of fact consider the issue of punitive damages in a separate proceeding.

Sets forth provisions regarding periodic payments, the scope of liability (the liability of each defendant shall be several only and not joint), mandatory offsets for damages paid by a collateral source, and a cap on attorney's fees (limited to 25 percent of any judgement or settlement recovered).

Encourages each State to establish or maintain ADR mechanisms. Directs the Attorney General to develop guidelines regarding such mechanisms.

Actions Timeline

- **Aug 3, 2001:** Introduced in Senate
- **Aug 3, 2001:** Read twice and referred to the Committee on the Judiciary.