

S 2793

Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Health

Introduced: Jul 25, 2002

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

Latest Action: Read twice and referred to the Committee on the Judiciary. (Jul 25, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/2793>

Sponsor

Name: Sen. Ensign, John [R-NV]

Party: Republican • State: NV • Chamber: Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Helms, Jesse [R-NC]	R · NC		Sep 9, 2002
Sen. Voinovich, George V. [R-OH]	R · OH		Sep 9, 2002
Sen. Hutchinson, Tim [R-AR]	R · AR		Oct 2, 2002
Sen. Bond, Christopher S. [R-MO]	R · MO		Oct 8, 2002
Sen. Thomas, Craig [R-WY]	R · WY		Oct 8, 2002

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jul 25, 2002

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
107 HR 4600	Identical bill	Sep 26, 2002: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

## Summary (as of Jul 25, 2002)

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Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act of 2002 - Makes changes to the health care liability system, including compensation for injured patients and other issues arising out of health care law suits.

Requires a suit to be brought within three years of the date of injury or one year after the claimant discovers or should have discovered the injury, whichever occurs first.

Sets forth requirements and permissible recovery amounts for compensating patient injury, including: (1) the full amount of economic loss without limitation; (2) noneconomic damages as specified; and (3) a fair share rule.

Requires the court to supervise payment-of-damage arrangements, limiting contingency fees.

Permits the introduction of evidence of collateral source benefits.

Limits the availability of punitive damages, requiring clear and convincing evidence of malicious intent to injure or a deliberate failure to avoid substantially certain, unnecessary injury. Prohibits their award for products that comply with Food and Drug Administration (FDA) standards, absent material and knowing misrepresentation by those submitting required approval or clearance information to the FDA.

Authorizes periodic payment of future damages to claimants.

Excludes suits for vaccine-related death or injury from the requirements of this Act if otherwise covered under the National Vaccine Injury Compensation Program.

Preempts State law unless such law imposes greater protections for health care providers and organizations from liability, loss, or damages.

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## Actions Timeline

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- **Jul 25, 2002:** Introduced in Senate
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