

HR 4942

Medicare Solvency and Enhanced Benefits Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Health

Introduced: Jun 13, 2002

Current Status: Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.

Latest Action: Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.  
(Jun 26, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/house-bill/4942>

Sponsor

Name: Rep. Weldon, Dave [R-FL-15]

Party: Republican • State: FL • Chamber: House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Greenwood, James C. [R-PA-8]	R · PA		Jun 13, 2002
Rep. Tiahrt, Todd [R-KS-4]	R · KS		Sep 10, 2002

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jun 26, 2002
Judiciary Committee	House	Referred To	Jun 13, 2002
Ways and Means Committee	House	Referred To	Jun 13, 2002

Subjects & Policy Tags

Policy Area:

Health

Related Bills

No related bills are listed.

Medicare Solvency and Enhanced Benefits Act of 2002 - Proposes reforms related to Medicare (title XVIII of the Social Security Act (SSA)).

Requires a Medicare-related health care lawsuit 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 it imposes greater protections for health care providers and organizations from liability, loss, or damages.

Prohibits construction of this Act to create a cause of action against a Medicare+Choice plan under SSA title XVIII part C (Medicare+Choice).

## **Actions Timeline**

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- **Jun 26, 2002:** Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.
- **Jun 13, 2002:** Introduced in House
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- **Jun 13, 2002:** Referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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