

HR 4280

Help Efficient, Accessible, Low Cost, Timely Healthcare (HEALTH) Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Health

Introduced: May 5, 2004

Current Status: Pursuant to the provisions of H. Res. 638, H.R. 4280 is laid on the table.

Latest Action: Pursuant to the provisions of H. Res. 638, H.R. 4280 is laid on the table. (May 13, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/4280>

Sponsor

Name: Rep. Greenwood, James C. [R-PA-8]

Party: Republican • **State:** PA • **Chamber:** House

Cosponsors (23 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barton, Joe [R-TX-6]	R · TX		May 5, 2004
Rep. Cox, Christopher [R-CA-48]	R · CA		May 5, 2004
Rep. Scott, David [D-GA-13]	D · GA		May 6, 2004
Rep. Biggert, Judy [R-IL-13]	R · IL		May 11, 2004
Rep. Boehner, John A. [R-OH-8]	R · OH		May 11, 2004
Rep. Burgess, Michael C. [R-TX-26]	R · TX		May 11, 2004
Rep. Burns, Max [R-GA-12]	R · GA		May 11, 2004
Rep. Burton, Dan [R-IN-5]	R · IN		May 11, 2004
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		May 11, 2004
Rep. Crane, Philip M. [R-IL-8]	R · IL		May 11, 2004
Rep. Gingrey, Phil [R-GA-11]	R · GA		May 11, 2004
Rep. Goode, Virgil H., Jr. [R-VA-5]	R · VA		May 11, 2004
Rep. Hayworth, J. D. [R-AZ-5]	R · AZ		May 11, 2004
Rep. Johnson, Sam [R-TX-3]	R · TX		May 11, 2004
Rep. Keller, Ric [R-FL-8]	R · FL		May 11, 2004
Rep. McInnis, Scott [R-CO-3]	R · CO		May 11, 2004
Rep. Miller, Candice S. [R-MI-10]	R · MI		May 11, 2004
Rep. Murtha, John P. [D-PA-12]	D · PA		May 11, 2004
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		May 11, 2004
Rep. Shays, Christopher [R-CT-4]	R · CT		May 11, 2004
Rep. Shuster, Bill [R-PA-9]	R · PA		May 11, 2004
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		May 12, 2004
Rep. Platts, Todd Russell [R-PA-19]	R · PA		May 12, 2004

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred To	May 5, 2004
Judiciary Committee	House	Referred To	May 5, 2004

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
108 HR 4279	Related bill	May 21, 2004: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 539.
108 HR 4275	Related bill	May 18, 2004: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 518.
108 HRES 638	Related bill	May 12, 2004: Motion to reconsider laid on the table Agreed to without objection.
108 HR 5	Related bill	Mar 21, 2003: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 49.
108 S 607	Related bill	Mar 13, 2003: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 33.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Help Efficient, Accessible, Low Cost, Timely Healthcare (HEALTH) Act of 2004 - Sets forth provisions regulating lawsuits for health care liability claims concerning the provision of health care goods or services or any medical product affecting interstate commerce.

(Sec. 3) Sets a statute of limitations of three years after the date of manifestation of injury or one year after the claimant discovers the injury, or should have discovered the injury, whichever comes first, unless tolled on the basis of fraud, intentional concealment, or the presence of a foreign body in the injured person. Provides that lawsuits on behalf of minors under the age of six years must be commenced within three years of the manifestation of the injury or prior to their eighth birthday, whichever provides the longer period, with certain exceptions.

(Sec. 4) Allows the recovery of unlimited economic damages. Limits noneconomic damages to \$250,000. Prohibits the jury from being informed of such limit. Makes each party liable only for the amount of damages directly proportional to such party's percentage of responsibility.

(Sec. 5) Requires court supervision over payment arrangements to protect against conflicts of interest that may reduce the amount of damages awarded that are actually paid to claimants. Allows the court to restrict the payment of attorney contingency fees. Limits the fees to a percentage based on the amount awarded.

(Sec. 6) Allows: (1) any party to a lawsuit involving injury or wrongful death to introduce evidence of collateral source benefits; and (2) any opposing party to then introduce evidence of any amount paid or contributed to secure the right to such benefits. Prevents providers of such benefits from recovering any amount against the claimant or receiving any lien or credit against the claimant's recovery or from being equitably or legally subrogated to the right of the claimant in a health care lawsuit involving injury or wrongful death.

(Sec. 7) Allows an award of punitive damages only if: (1) the claimant proves by clear and convincing evidence that the person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer; and (2) compensatory damages are awarded. Establishes procedural requirements for a claim for punitive damages. Enumerates the factors to be considered for an award of punitive damages, including the severity of harm caused by the conduct of the party, the duration of the conduct or any concealment of it, the profitability of the conduct, and any criminal penalties imposed. Limits punitive damages to the greater of \$250,000 or two times the amount of economic damages awarded. Prohibits the jury from being informed of such limit.

Prohibits a punitive damage award in a product liability suit against a manufacturer, distributor, or supplier of a medical product that has been approved by the Food and Drug Administration (FDA) or that is generally recognized among qualified experts as safe and effective pursuant FDA conditions. Provides exceptions if: (1) the trier of fact finds by clear and convincing evidence that the product is substantially out of compliance with applicable labeling or packaging regulations; (2) a person knowingly misrepresented or withheld from the FDA required information that is material and causally related to the harm suffered by the claimant; or (3) an illegal payment is made to an FDA official to secure approval of the medical product. Prohibits a product liability suit against a medical care provider who prescribes or dispenses such a medical product approved by the FDA.

(Sec. 8) Provides for periodic payments of future damage awards over \$50,000.

(Sec. 10) Exempts civil actions brought for vaccine-related injuries from this act to the extent that they are covered by the Public Health Service Act.

(Sec. 11) Preempts State law to the extent that it prevents the application of any provision of law established by this Act, but does not: (1) preempt State law that provides greater protections for health care providers or organizations or that specifies particular damage limits; or (2) affect any defenses available to a party under any other provision of State or Federal law.

(Sec. 13) Expresses the sense of Congress that a health insurer should be liable for damages for harm caused when it makes a decision as to what care is medically necessary and appropriate.

Actions Timeline

- **May 13, 2004:** Pursuant to the provisions of H. Res. 638, H.R. 4280 is laid on the table.
- **May 12, 2004:** Considered under the provisions of rule H. Res. 638. (consideration: CR H2853-2874)
- **May 12, 2004:** Rule provides for consideration of H.R. 4279, H.R. 4280 and H.R. 4281. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments.
- **May 12, 2004:** DEBATE - Pursuant to House Resolution 638, the House proceeded with one hour of debate on H.R. 4280.
- **May 12, 2004:** Mr. Conyers moved to recommit with instructions to Judiciary and Energy and Commerce. (consideration: CR H2869-2873; text: CR H2869-2872)
- **May 12, 2004:** DEBATE - The House proceeded with ten minutes of debate on the Conyers motion to recommit with instructions. The instructions contained in the motion seek to add a complete new text.
- **May 12, 2004:** On motion to recommit with instructions Failed by the Yeas and Nays: 193 - 231 (Roll no. 165).
- **May 12, 2004:** Passed/agreed to in House: On passage Passed by recorded vote: 229 - 197 (Roll no. 166).(text as passed House: CR H2853-2856)
- **May 12, 2004:** On passage Passed by recorded vote: 229 - 197 (Roll no. 166). (text as passed House: CR H2853-2856)
- **May 12, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **May 11, 2004:** Rules Committee Resolution H. Res. 638 Reported to House. Rule provides for consideration of H.R. 4279, H.R. 4280 and H.R. 4281. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments.
- **May 5, 2004:** Introduced in House
- **May 5, 2004:** Introduced in House
- **May 5, 2004:** Referred to the Committee on the Judiciary, and in addition to the Committee on 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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