

S 607

HEALTH Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Health

Introduced: Mar 12, 2003

Current Status: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 33.

Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 33.  
(Mar 13, 2003)

Official Text: https://www.congress.gov/bill/108th-congress/senate-bill/607

Sponsor

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

Party: Republican • State: NV • Chamber: Senate

Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Enzi, Michael B. [R-WY]	R · WY		Mar 12, 2003
Sen. Gregg, Judd [R-NH]	R · NH		Mar 12, 2003
Sen. Kyl, Jon [R-AZ]	R · AZ		Mar 12, 2003
Sen. Thomas, Craig [R-WY]	R · WY		Mar 12, 2003
Sen. Voinovich, George V. [R-OH]	R · OH		Mar 12, 2003
Sen. Inhofe, James M. [R-OK]	R · OK		Apr 3, 2003
Sen. Hagel, Chuck [R-NE]	R · NE		May 14, 2003

Committee Activity

No committee referrals or activity are recorded for this bill.

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
108 HR 4280	Related bill	May 13, 2004: Pursuant to the provisions of H. Res. 638, H.R. 4280 is laid on the table.
108 HR 5	Companion bill	Mar 21, 2003: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 49.

## Summary (as of Mar 12, 2003)

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Help Efficient, Accessible, Low Cost, Timely Healthcare (HEALTH) Act of 2003 - 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 the manifestation of injury or one year after the claimant discovers or should have discovered the injury, whichever occurs first. Specifies exceptions, and rules for actions brought by minors.

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.

Provides for a reduction in damage awards by the amount of collateral source benefits to which a claimant is entitled, less any insurance premiums or payments made to obtain such 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 any demand for punitive damages from being included in a health care lawsuit as initially filed. Prohibits the award of punitive damages 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 any Federal or State law unless such law imposes greater protections from liability, loss, or damages for a health care provider, a health care organization, or for the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product.

## Actions Timeline

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- **Mar 13, 2003:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 33.
- **Mar 12, 2003:** Introduced in Senate
- **Mar 12, 2003:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.