S 22

MCAP Act

Congress: 109 (2005–2007, Ended)
Chamber: Senate
Policy Area: Law
Introduced: May 3, 2006
Current Status: Cloture on the motion to proceed not invoked in Senate by Yea-Nay Vote. 48 - 42. Record Vote Number:
Latest Action: Cloture on the motion to proceed not invoked in Senate by Yea-Nay Vote. 48 - 42. Record Vote Number: 115. (consideration: CR S4146; text: CR S4146) (May 8, 2006)
Official Text: https://www.congress.gov/bill/109th-congress/senate-bill/22

Sponsor

Name: Sen. Ensign, John [R-NV]
Party: Republican • **State:** NV • **Chamber:** Senate

Cosponsors (19 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Allard, Wayne [R-CO]	R · CO		May 3, 2006
Sen. Burns, Conrad R. [R-MT]	R · MT		May 3, 2006
Sen. Burr, Richard [R-NC]	R · NC		May 3, 2006
Sen. Coburn, Tom [R-OK]	R · OK		May 3, 2006
Sen. Cornyn, John [R-TX]	R · TX		May 3, 2006
Sen. DeMint, Jim [R-SC]	R · SC		May 3, 2006
Sen. Dole, Elizabeth [R-NC]	R · NC		May 3, 2006
Sen. Frist, William H. [R-TN]	R · TN		May 3, 2006
Sen. Gregg, Judd [R-NH]	R · NH		May 3, 2006
Sen. Hatch, Orrin G. [R-UT]	R · UT		May 3, 2006
Sen. Inhofe, James M. [R-OK]	R · OK		May 3, 2006
Sen. McConnell, Mitch [R-KY]	R · KY		May 3, 2006
Sen. Santorum, Rick [R-PA]	R · PA		May 3, 2006
Sen. Vitter, David [R-LA]	R · LA		May 3, 2006
Sen. Voinovich, George V. [R-OH]	R · OH		May 3, 2006
Sen. Alexander, Lamar [R-TN]	R · TN		May 4, 2006
Sen. Thune, John [R-SD]	R · SD		May 5, 2006
Sen. Lott, Trent [R-MS]	R · MS		May 8, 2006
Sen. Sessions, Jeff [R-AL]	R · AL		May 8, 2006

Committee Activity

No committee referrals or activity are recorded for this bill.

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
109 S 23	Related bill	**May 8, 2006:** Cloture on the motion to proceed not invoked in Senate by Yea-Nay Vote. 49 - 44. Record Vote Number: 116. (consideration: CR S4146-4147; text: CR S4146)
109 HR 5	Related bill	**Jul 29, 2005:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Summary (as of May 3, 2006)

Medical Care Access Protection Act of 2006 or the MCAP Act - Sets forth provisions regulating lawsuits for health care liability claims related to the provision of health care services.

Sets a statute of limitations of three years after the date of manifestation of injury or one year after the claimant discovers the injury, with certain exceptions.

Requires a court to impose sanctions for the filing of frivolous lawsuits.

Limits noneconomic damages to $250,000 from the provider or health care institution, but no more than $500,000 from multiple health care institutions. Makes each party liable only for the amount of damages directly proportional to such party's percentage of responsibility.

Allows the court to restrict the payment of attorney contingency fees. Limits the fees to a decreasing percentage based on the increasing value of the amount awarded.

Prescribes qualifications for expert witnesses.

Requires the court to reduce damages received by the amount of collateral source benefits to which a claimant is entitled, unless the payor of such benefits has the right to reimbursement or subrogation under federal or state law.

Authorizes the award of punitive damages only where: (1) it is proven by clear and convincing evidence that a person acted with malicious intent to injure the claimant or deliberately failed to avoid unnecessary injury the claimant was substantially certain to suffer; and (2) compensatory damages are awarded. Limits punitive damages to the greater of two times the amount of economic damages or $250,000.

Prohibits a health care provider from being named as a party in a product liability or class action lawsuit for prescribing or dispensing a Food and Drug Administration (FDA)-approved prescription drug, biological product, or medical device for an approved indication.

Provides for periodic payments of future damage awards.

Actions Timeline

- **May 8, 2006:** Motion to proceed to measure considered in Senate. (consideration: CR S4123-4146)
- **May 8, 2006:** Cloture on the motion to proceed not invoked in Senate by Yea-Nay Vote. 48 - 42. Record Vote Number: 115. (consideration: CR S4146; text: CR S4146)
- **May 5, 2006:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S4095)
- **May 5, 2006:** Cloture motion on the motion to proceed presented in Senate. (consideration: CR S4095: text: CR S4095)
- **May 5, 2006:** Motion to proceed to consideration of measure withdrawn in Senate.
- **May 5, 2006:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S4096-4106)
- **May 4, 2006:** Sponsor introductory remarks on measure. (CR S4033-4034)
- **May 4, 2006:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 422.
- **May 3, 2006:** Introduced in Senate
- **May 3, 2006:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.

LegiList

CONGRESS, MADE CLEAR.

Search Every Federal Bill, Law, and Vote

LegiList is the fastest way to research Congress. Track any bill from introduction to enactment, see how every legislator voted, follow committee activity, and read the full text of every bill — all in one place, always up to date.

legilist.com

Free Course: Learn How Congress Actually Works

LegiList Learn is a free, self-paced course that walks through the entire legislative process — from drafting a bill to a presidential signature. Seven modules, plain language, no politics. Earn a certificate when you finish.

legilist.com/learn

Developer API: Build Apps on Legislative Data

The LegiList API gives developers direct access to bills, votes, legislators, committees, and more. Start free with 1,000 requests per day — no credit card required. Upgrade to Pro when you need to scale.

legilist.com/api

Public data belongs to the public. — legilist.com