

S 366

Healthy Mothers and Healthy Babies Access to Care Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Health

Introduced: Feb 10, 2005

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

Latest Action: Read twice and referred to the Committee on the Judiciary. (Feb 10, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/senate-bill/366>

Sponsor

Name: Sen. Gregg, Judd [R-NH]

Party: Republican • **State:** NH • **Chamber:** Senate

Cosponsors (3 total)

| Cosponsor | Party / State | Role | Date Joined |
|-------------------------------|---------------|------|--------------|
| Sen. Ensign, John [R-NV] | R · NV | | Feb 10, 2005 |
| Sen. Lugar, Richard G. [R-IN] | R · IN | | Feb 7, 2006 |
| Sen. Talent, Jim [R-MO] | R · MO | | Feb 7, 2006 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---------------------|---------|-------------|--------------|
| Judiciary Committee | Senate | Referred To | Feb 10, 2005 |

Subjects & Policy Tags

Policy Area:

Health

Related Bills

| Bill | Relationship | Last Action |
|------------|--------------|--|
| 109 HR 534 | Related bill | Feb 25, 2005: Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman. |
| 109 S 354 | Related bill | Feb 17, 2005: Sponsor introductory remarks on measure. (CR S1603-1605) |
| 109 S 367 | Related bill | Feb 10, 2005: Read twice and referred to the Committee on the Judiciary. |

Healthy Mothers and Healthy Babies Access to Care Act of 2005 - Sets forth provisions regulating lawsuits for health care liability claims related to the provision of obstetrical or gynecological goods or 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.

Provides that nothing in this Act limits recovery of the full amount of available economic damages. Limits noneconomic damages to \$250,000. 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 or device.

Provides for periodic payments of future damage awards.

Actions Timeline

- **Feb 10, 2005:** Introduced in Senate
- **Feb 10, 2005:** Read twice and referred to the Committee on the Judiciary.

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