

HR 5

Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Health

Introduced: Jul 21, 2005

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

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Jul 29, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/5>

Sponsor

Name: Rep. Gingrey, Phil [R-GA-11]

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

Cosponsors (63 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Smith, Lamar [R-TX-21]	R · TX		Jul 21, 2005
Rep. Akin, W. Todd [R-MO-2]	R · MO		Jul 25, 2005
Rep. Barrett, J. Gresham [R-SC-3]	R · SC		Jul 25, 2005
Rep. Biggert, Judy [R-IL-13]	R · IL		Jul 25, 2005
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Jul 25, 2005
Rep. Boustany, Charles W., Jr. [R-LA-7]	R · LA		Jul 25, 2005
Rep. Brown-Waite, Ginny [R-FL-5]	R · FL		Jul 25, 2005
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Jul 25, 2005
Rep. Cunningham, Randy (Duke) [R-CA-50]	R · CA		Jul 25, 2005
Rep. Davis, Tom [R-VA-11]	R · VA		Jul 25, 2005
Rep. Dent, Charles W. [R-PA-15]	R · PA		Jul 25, 2005
Rep. Dreier, David [R-CA-26]	R · CA		Jul 25, 2005
Rep. Everett, Terry [R-AL-2]	R · AL		Jul 25, 2005
Rep. Gerlach, Jim [R-PA-6]	R · PA		Jul 25, 2005
Rep. Gillmor, Paul E. [R-OH-5]	R · OH		Jul 25, 2005
Rep. Gutknecht, Gil [R-MN-1]	R · MN		Jul 25, 2005
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Jul 25, 2005
Rep. Hastings, Doc [R-WA-4]	R · WA		Jul 25, 2005
Rep. Hayes, Robin [R-NC-8]	R · NC		Jul 25, 2005
Rep. Hulshof, Kenny C. [R-MO-9]	R · MO		Jul 25, 2005
Rep. Johnson, Sam [R-TX-3]	R · TX		Jul 25, 2005
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Jul 25, 2005
Rep. Kline, John [R-MN-2]	R · MN		Jul 25, 2005
Rep. Kuhl, John R. "Randy", Jr. [R-NY-29]	R · NY		Jul 25, 2005
Rep. LaHood, Ray [R-IL-18]	R · IL		Jul 25, 2005
Rep. Latham, Tom [R-IA-4]	R · IA		Jul 25, 2005
Rep. Miller, Gary G. [R-CA-42]	R · CA		Jul 25, 2005
Rep. Ney, Robert W. [R-OH-18]	R · OH		Jul 25, 2005
Rep. Northup, Anne M. [R-KY-3]	R · KY		Jul 25, 2005
Rep. Nussle, Jim [R-IA-1]	R · IA		Jul 25, 2005
Rep. Otter, C. L. (Butch) [R-ID-1]	R · ID		Jul 25, 2005
Rep. Pence, Mike [R-IN-6]	R · IN		Jul 25, 2005
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Jul 25, 2005
Rep. Porter, Jon C. [R-NV-3]	R · NV		Jul 25, 2005
Rep. Price, Tom [R-GA-6]	R · GA		Jul 25, 2005
Rep. Renzi, Rick [R-AZ-1]	R · AZ		Jul 25, 2005
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Jul 25, 2005
Rep. Royce, Edward R. [R-CA-40]	R · CA		Jul 25, 2005
Rep. Saxton, Jim [R-NJ-3]	R · NJ		Jul 25, 2005
Rep. Sessions, Pete [R-TX-32]	R · TX		Jul 25, 2005
Rep. Shays, Christopher [R-CT-4]	R · CT		Jul 25, 2005

Cosponsor	Party / State	Role	Date Joined
Rep. Shimkus, John [R-IL-19]	R · IL		Jul 25, 2005
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Jul 25, 2005
Rep. Taylor, Charles H. [R-NC-11]	R · NC		Jul 25, 2005
Rep. Taylor, Gene [D-MS-4]	D · MS		Jul 25, 2005
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Jul 25, 2005
Rep. Turner, Michael R. [R-OH-3]	R · OH		Jul 25, 2005
Rep. Westmoreland, Lynn A. [R-GA-8]	R · GA		Jul 25, 2005
Rep. Cannon, Chris [R-UT-3]	R · UT		Jul 26, 2005
Rep. Foxx, Virginia [R-NC-5]	R · NC		Jul 26, 2005
Rep. Hostettler, John N. [R-IN-8]	R · IN		Jul 26, 2005
Rep. Matheson, Jim [D-UT-2]	D · UT		Jul 26, 2005
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		Jul 26, 2005
Rep. Murtha, John P. [D-PA-12]	D · PA		Jul 26, 2005
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Jul 26, 2005
Rep. Shuster, Bill [R-PA-9]	R · PA		Jul 26, 2005
Rep. Thomas, William M. [R-CA-22]	R · CA		Jul 26, 2005
Rep. Bradley, Jeb [R-NH-1]	R · NH		Jul 27, 2005
Rep. Kirk, Mark Steven [R-IL-10]	R · IL		Jul 27, 2005
Rep. Mack, Connie [R-FL-14]	R · FL		Jul 27, 2005
Rep. McMorris, Cathy [R-WA-5]	R · WA		Jul 27, 2005
Rep. Pickering, Charles W. "Chip" [R-MS-3]	R · MS		Jul 27, 2005
Rep. Hall, Ralph M. [R-TX-4]	R · TX		Jul 28, 2005

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jul 22, 2005
Judiciary Committee	House	Referred To	Jul 22, 2005
Judiciary Committee	Senate	Referred To	Jul 29, 2005

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
109 S 22	Related bill	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)
109 HR 4838	Related bill	Mar 17, 2006: Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.
109 HRES 385	Procedurally related	Jul 27, 2005: Motion to reconsider laid on the table Agreed to without objection.
109 HR 534	Identical bill	Feb 25, 2005: Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.

(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 2005 - 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) Declares that nothing in this Act limits the recovery of 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 from the claimant's recovery or from being subrogated to the right of the claimant.

(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 to conditions established by the FDA. 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

- **Jul 29, 2005:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Jul 28, 2005:** Considered under the provisions of rule H. Res. 385. (consideration: CR H6974-7013)
- **Jul 28, 2005:** Rule provides for consideration of H.R. 5 with 2 hours of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. During consideration of H.R. 5, pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Measure will be considered read. Bill is closed to amendments.
- **Jul 28, 2005:** DEBATE - The House proceeded with two hours of debate on H.R. 5.
- **Jul 28, 2005:** The previous question was ordered pursuant to the rule. (consideration: CR H7007)
- **Jul 28, 2005:** Mr. Conyers moved to recommit with instructions to Judiciary and Energy and Commerce. (consideration: CR H7007-7012; text: CR H7007-7010)
- **Jul 28, 2005:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Conyers motion to recommit with instructions.
- **Jul 28, 2005:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H7011)
- **Jul 28, 2005:** On motion to recommit with instructions Failed by the Yeas and Nays: 193 - 234, 1 Present (Roll no. 448).
- **Jul 28, 2005:** Passed/agreed to in House: On passage Passed by recorded vote: 230 - 194, 2 Present (Roll no. 449).(text: CR H6974-6977)
- **Jul 28, 2005:** On passage Passed by recorded vote: 230 - 194, 2 Present (Roll no. 449). (text: CR H6974-6977)
- **Jul 28, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 27, 2005:** Rule H. Res. 385 passed House.
- **Jul 26, 2005:** Rules Committee Resolution H. Res. 385 Reported to House. Rule provides for consideration of H.R. 5 with 2 hours of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. During consideration of H.R. 5, pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Measure will be considered read. Bill is closed to amendments.
- **Jul 22, 2005:** Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.
- **Jul 21, 2005:** Introduced in House
- **Jul 21, 2005:** Introduced in House
- **Jul 21, 2005:** 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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