

## S 1734

### Medical Liability Reform Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Health

**Introduced:** Sep 30, 2009

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

**Latest Action:** Read twice and referred to the Committee on the Judiciary. (Sep 30, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/1734>

## Sponsor

**Name:** Sen. Kyl, Jon [R-AZ]

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

## Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cornyn, John [R-TX]	R · TX		Sep 30, 2009

## Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Sep 30, 2009

## Subjects & Policy Tags

### Policy Area:

Health

## Related Bills

Bill	Relationship	Last Action
111 S 45	Related bill	Jan 6, 2009: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Medical Liability Reform Act of 2009 - Sets forth provisions regulating lawsuits for health care liability claims related to the provision of health care services. Imposes no limitation on recoverable economic damages. Limits recoverable noneconomic damages with respect to the same occurrence to: (1) \$250,000 from a provider or a single health care institution; and (2) \$500,000 from multiple health institutions. Makes each party liable only for the amount of damages directly proportional to such party's percentage of responsibility.

Prescribes qualifications for expert witnesses. Prohibits an expert witness from testifying if the witness's fee is contingent on the outcome of the lawsuit.

Requires the claimant: (1) to certify with the claim whether expert opinion testimony is necessary to prove the health care professional's standard of care or liability for the claim; and (2) upon certifying that such testimony is necessary, to serve a preliminary expert opinion affidavit. Directs the court to dismiss the claim without prejudice if the claimant fails to serve a preliminary expert opinion affidavit after certifying that an affidavit is necessary or after the court has ordered the claimant to serve an affidavit.

Sets forth provisions concerning: (1) the applicability of this Act to Public Health Service Act provisions pertaining to civil actions brought for a general vaccine or smallpox vaccine injury; and (2) preemption of state laws.

### **Actions Timeline**

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- **Sep 30, 2009:** Introduced in Senate
- **Sep 30, 2009:** Read twice and referred to the Committee on the Judiciary.