

## S 2662

Fair Resolution of Medical Liability Disputes Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Law

**Introduced:** Nov 2, 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. (Nov 2, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/2662>

### Sponsor

**Name:** Sen. Graham, Lindsey [R-SC]

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

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Chambliss, Saxby [R-GA]	R · GA		Nov 2, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Nov 2, 2009

### Subjects & Policy Tags

#### Policy Area:

Law

### Related Bills

*No related bills are listed.*

Fair Resolution of Medical Liability Disputes Act of 2009 - Prohibits a medical malpractice action from being filed in a state court or a federal court under diversity of citizenship jurisdiction unless: (1) the claim that is the subject of the action has been initially resolved under an alternative dispute resolution (ADR) system; and (2) an affected party notifies the appropriate court of the intent to contest the decision and files the action within 90 days after such decision is issued.

Provides: (1) for the payment of an opposing party's court costs and attorneys' fees by the contesting party in the case of a malpractice action brought in court after ADR if the final judgment issued in the action is not more favorable to the contesting party than the ADR decision; and (2) that an uncontested ADR decision shall have the status of a verdict in a court adjudicated action.

Sets forth basic requirements for state ADR systems, including a requirement that they transmit to the state agency responsible for monitoring or disciplining health care providers any findings that a provider committed malpractice. Directs the Attorney General to: (1) certify state ADR systems that meet the requirements of this Act; and (2) establish an alternative federal ADR system for any state that does not establish its own system.

Directs the Comptroller General to study the effectiveness of private litigation insurance markets in providing affordable access to courts, evaluating the merit of prospective claims, and ensuring that prevailing parties in "loser pays" systems are reimbursed for attorney's fees.

### **Actions Timeline**

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- **Nov 2, 2009:** Introduced in Senate
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