

## HR 4039

Ending Defensive Medicine and Encouraging Innovative Reforms Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** Nov 6, 2009

**Current Status:** Referred to the Subcommittee on Health.

**Latest Action:** Referred to the Subcommittee on Health. (Nov 7, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/4039>

### Sponsor

**Name:** Rep. Dent, Charles W. [R-PA-15]

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

### Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Lee, Christopher J. [R-NY-26]	R · NY		Nov 6, 2009
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Nov 6, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Nov 7, 2009
Judiciary Committee	House	Referred To	Nov 6, 2009

### Subjects & Policy Tags

**Policy Area:**

Health

### Related Bills

*No related bills are listed.*

Ending Defensive Medicine and Encouraging Innovative Reforms Act of 2009 - Provides for reform of health care lawsuits by: (1) allowing a party against whom a judgment for medical malpractice has been awarded to pay future damages of \$50,000 or more in periodic payments; (2) making each party liable for that party's share of damages only; (3) requiring a court to appoint a qualified specialist to review a health care lawsuit and file a statement of opinion regarding whether such lawsuit has a reasonable and meritorious basis; (4) requiring the losing party to pay the costs and reasonable attorneys fees of the prevailing party; (5) absolving health care providers from liability if such providers acted consistently with accepted clinical practice guidelines; and (6) providing that evidence of Medicare payments and reimbursements made to health care providers shall not, in a health care lawsuit, constitute a determination that a health care provider has or has not met the applicable standard of care.

Amends the Public Health Service Act to: (1) provide protections from civil liability for certain emergency medical personnel and health center volunteer practitioners; (2) grant incentive payments to states for medical liability reform; and (3) impose liability limits and other restrictions on health care lawsuits in states that have not adopted medical liability reforms.

Protects disaster relief volunteers, nonprofit organizations, and other entities from civil liability for injuries related to disaster relief services, except for injuries caused by willful, wanton, or reckless misconduct.

### **Actions Timeline**

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- **Nov 7, 2009:** Referred to the Subcommittee on Health.
- **Nov 6, 2009:** Introduced in House
- **Nov 6, 2009:** Referred to House Energy and Commerce
- **Nov 6, 2009:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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.
- **Nov 6, 2009:** Referred to House Judiciary