

S 197

MCAP Act

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Law

Introduced: Jan 26, 2011

Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Jan 26, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/197>

Sponsor

Name: Sen. Ensign, John [R-NV]

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

Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Alexander, Lamar [R-TN]	R · TN		Jan 26, 2011
Sen. Burr, Richard [R-NC]	R · NC		Jan 26, 2011
Sen. Cornyn, John [R-TX]	R · TX		Jan 26, 2011
Sen. Inhofe, James M. [R-OK]	R · OK		Jan 26, 2011
Sen. Vitter, David [R-LA]	R · LA		Jan 26, 2011
Sen. Barrasso, John [R-WY]	R · WY		Feb 10, 2011
Sen. Sessions, Jeff [R-AL]	R · AL		Feb 10, 2011
Sen. Thune, John [R-SD]	R · SD		Feb 15, 2011

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jan 26, 2011

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
112 HR 5652	Related bill	May 15, 2012: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 398.
112 S 1720	Related bill	Oct 18, 2011: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 203.

Medical Care Access Protection Act of 2011 or the MCAP Act - Sets forth provisions regulating lawsuits for health care liability claims related to the provision of health care 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.

Requires a court to impose sanctions for the filing of frivolous lawsuits.

Limits noneconomic damages to \$250,000 from the provider or health care institution, but no more than \$500,000 from multiple health care institutions. 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, biological product, or medical device for an approved indication.

Provides for periodic payments of future damage awards.

Actions Timeline

- **Jan 26, 2011:** Introduced in Senate
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