

HR 1215

Protecting Access to Care Act of 2017

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Health

Introduced: Feb 24, 2017

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. (Jun 29, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/house-bill/1215>

Sponsor

Name: Rep. King, Steve [R-IA-4]

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

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Feb 27, 2017
Rep. Smith, Lamar [R-TX-21]	R · TX		Mar 9, 2017
Rep. Flores, Bill [R-TX-17]	R · TX		Mar 16, 2017

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Mar 3, 2017
Judiciary Committee	House	Referred to	Feb 24, 2017
Judiciary Committee	Senate	Referred To	Jun 29, 2017

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
115 HRES 382	Procedurally related	Jun 27, 2017: Motion to reconsider laid on the table Agreed to without objection.
115 HR 1704	Related bill	Apr 6, 2017: Referred to the Subcommittee on the Constitution and Civil Justice.

Protecting Access to Care Act of 2017

This bill establishes provisions governing health care lawsuits where coverage for the care was provided or subsidized by the federal government, including through a subsidy or tax benefit.

(Sec. 2) In general, the statute of limitations is three years after the occurrence of the breach or tort, three years after medical or health-care treatment for the injury is completed, or one year after the claimant discovers the injury, whichever occurs first. For a minor, the statute of limitations is three years after the occurrence of the breach or tort or three years after medical or health-care treatment for the injury is completed, whichever occurs first, except for a minor under six years old, for whom it is the later of three years after the occurrence of the breach or tort, three years after medical or health-care treatment for the injury is completed, one year after discovery of the injury, or the minor's eighth birthday. These limitations are tolled under certain circumstances. These provisions do not preempt certain state laws.

(Sec. 3) Noneconomic damages are limited to \$250,000, before accounting for reductions in damages required by law. Juries may not be informed of this limitation. Parties are liable for the amount of damages directly proportional to their responsibility. These provisions do not preempt state laws that specify a particular monetary amount of damages.

(Sec. 4) Courts must supervise the payment of damages and may restrict attorney contingent fees. The bill sets limits on contingent fees. The bill does not preempt state laws that specify a lesser percentage or value of damages that may be claimed by an attorney representing a claimant.

(Sec. 5) The bill provides for periodic payment of future damage awards. The bill does not preempt state laws that mandate periodic payments.

(Sec. 6) A health care provider who prescribes, or dispenses pursuant to a prescription, a medical product approved by the Food and Drug Administration may not be a party to a product liability lawsuit or a class action lawsuit regarding the medical product.

(Sec. 8) The bill does not preempt federal vaccine injury laws.

(Sec. 9) The bill preempts federal tort laws that provide for greater amounts of damages or contingent fees, a longer statute of limitations, or reduced applicability or scope of periodic payment of future damages.

(Sec. 10) The bill applies to health care lawsuits initiated after enactment. Lawsuits are governed by the statute of limitations applicable at the time of injury.

(Sec. 11) The bill establishes limitations on expert-witness testimony by a health-care professional who was not licensed to practice or had not practiced, in the state or a contiguous bordering state, a relevant profession or specialty during the year preceding the date of the alleged injury or wrongful act.

(Sec. 12) Certain provider communications shall be inadmissible as evidence of an admission of liability or as evidence of an admission against interest in a health-care liability action. These provisions do not preempt state laws making additional communications inadmissible as evidence.

(Sec. 13) The bill specifies additional qualifications for expert witnesses in health-care liability actions. These provisions do not preempt state laws placing additional qualification requirements upon individuals testifying as expert witnesses.

(Sec. 14) The bill establishes requirements for the filing of an affidavit of merit. These provisions do not preempt state laws establishing additional requirements for pre-litigation documentation.

(Sec. 15) The bill establishes requirements for the provision of advance notice of intent to commence a health-care lawsuit against a provider. These provisions do not preempt state laws establishing different time periods for the filing of written notice.

Actions Timeline

- **Jun 29, 2017:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Jun 28, 2017:** Considered under the provisions of rule H. Res. 382. (consideration: CR H5263-5287; text of amendment in the nature of a substitute: CR H5273-5275)
- **Jun 28, 2017:** Rule provides for consideration of H.R. 1215 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-10. The resolution makes in order only those amendments printed in the report.
- **Jun 28, 2017:** The Speaker designated the Honorable Garret Graves to act as Chairman of the Committee.
- **Jun 28, 2017:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 382 and Rule XVIII.
- **Jun 28, 2017:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1215.
- **Jun 28, 2017:** DEBATE - Pursuant to the provisions of H.Res. 382, the Committee of the Whole proceeded with 10 minutes of debate on the Sessions amendment No. 1.
- **Jun 28, 2017:** DEBATE - Pursuant to the provisions of H. Res. 382, the Committee of the Whole proceeded with 10 minutes of debate on the Sessions amendment No. 2.
- **Jun 28, 2017:** DEBATE - Pursuant to the provisions of H. Res. 382, the Committee of the Whole proceeded with 10 minutes of debate on the Roe (TN) amendment No. 3.
- **Jun 28, 2017:** DEBATE - Pursuant to the provisions of H. Res. 382, the Committee of the Whole proceeded with 10 minutes of debate on the Hudson amendment No. 4.
- **Jun 28, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Hudson amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Cohen demanded a recorded vote, and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 28, 2017:** DEBATE - Pursuant to the provisions of H. Res. 382, the Committee of the Whole proceeded with 10 minutes of debate on the Barr amendment No. 5.
- **Jun 28, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Barr amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Barr demanded a recorded vote, and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 28, 2017:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Jun 28, 2017:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1215.
- **Jun 28, 2017:** The previous question was ordered pursuant to the rule.
- **Jun 28, 2017:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union.
- **Jun 28, 2017:** Ms. Kuster (NH) moved to recommit with instructions to the Committee on the Judiciary. (text: CR H5275)
- **Jun 28, 2017:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Kuster motion to recommit with instructions. The instructions contained in the motion seek to report the same back to the House forthwith with an amendment to add an exemption to the underlying bill for any claim or action that pertains to the negligent prescription of opioids.
- **Jun 28, 2017:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Jun 28, 2017:** On motion to recommit with instructions Failed by recorded vote: 191 - 235 (Roll no. 336).
- **Jun 28, 2017:** Passed/agreed to in House: On passage Passed by recorded vote: 218 - 210 (Roll no. 337).
- **Jun 28, 2017:** On passage Passed by recorded vote: 218 - 210 (Roll no. 337).
- **Jun 28, 2017:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 27, 2017:** Rule H. Res. 382 passed House.
- **Jun 13, 2017:** Rules Committee Resolution H. Res. 382 Reported to House. Rule provides for consideration of H.R. 1215 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a

substitute consisting of the text of Rules Committee Print 115-10. The resolution makes in order only those amendments printed in the report.

- **Mar 22, 2017:** Reported (Amended) by the Committee on Judiciary. H. Rept. 115-55, Part I.
- **Mar 22, 2017:** Committee on Energy and Commerce discharged.
- **Mar 22, 2017:** Placed on the Union Calendar, Calendar No. 31.
- **Mar 3, 2017:** Referred to the Subcommittee on Health.
- **Feb 28, 2017:** Committee Consideration and Mark-up Session Held.
- **Feb 28, 2017:** Ordered to be Reported (Amended) by the Yeas and Nays: 18 - 17.
- **Feb 24, 2017:** Introduced in House
- **Feb 24, 2017:** 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.
- **Feb 24, 2017:** Referred to the Subcommittee on the Constitution and Civil Justice.