

HR 1704

ACCESS Act of 2017

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Health

Introduced: Mar 23, 2017

Current Status: Referred to the Subcommittee on the Constitution and Civil Justice.

Latest Action: Referred to the Subcommittee on the Constitution and Civil Justice. (Apr 6, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/house-bill/1704>

Sponsor

Name: Rep. Hudson, Richard [R-NC-8]

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

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Smucker, Lloyd [R-PA-16]	R · PA		May 30, 2017
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Jun 2, 2017

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Mar 24, 2017
Judiciary Committee	House	Referred to	Apr 6, 2017

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
115 HR 1215	Related bill	Jun 29, 2017: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Accessible Care by Curbing Excessive lawSuitS Act of 2017 or the ACCESS Act of 2017

This bill establishes provisions governing health care lawsuits where coverage for the care was provided or subsidized by the federal government. The bill does not preempt certain state laws and federal vaccine injury laws and rules.

The statute of limitations is three years after the injury or one year after the claimant discovers the injury, whichever occurs first, with exceptions.

Noneconomic damages are limited to \$250,000. Juries may not be informed of this limitation.

Courts must supervise the payment of damages and may restrict attorney contingency fees. The bill sets limits on contingency fees.

Certain evidence regarding collateral source benefits (e.g., insurance payments) may be introduced in lawsuits involving injury or wrongful death.

The bill provides for periodic payment of future damage awards.

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 liability lawsuit or class action lawsuit regarding the product.

Expressions of apology, fault, or sympathy by health care providers or their employees to patients or their relatives or representatives regarding suffering, injury, or death from an unanticipated outcome of care are inadmissible as evidence of liability.

A person must give a health care provider 90 days' notice before commencing a lawsuit, with exceptions.

An affidavit of merit signed by a health care professional who qualifies as an expert witness must be filed simultaneously with a lawsuit.

The bill establishes qualifications for expert witnesses.

Actions Timeline

- **Apr 6, 2017:** Referred to the Subcommittee on the Constitution and Civil Justice.
- **Mar 24, 2017:** Referred to the Subcommittee on Health.
- **Mar 23, 2017:** Introduced in House
- **Mar 23, 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.