

1 Representative Lindsey of the 54th and Representative Willard of the 49th move to amend
2 the Committee substitute to SB 3 by striking lines 21 through 34 of page 19, lines 1 through
3 36 of page 20, and lines 1 and 2 of page 21 and inserting in lieu thereof the following:

4 "(a) As used in this Code section, the term:

5 (1) 'Catastrophic injury' means a permanent impairment constituted by:

6 (A) Spinal cord injury involving severe paralysis of an arm, a leg, or the trunk;

7 (B) Amputation of an arm, a hand, a foot, or a leg involving the effective loss of use
8 of that appendage;

9 (C) Severe brain or closed-head injury as evidenced by:

10 (i) Severe sensory or motor disturbances;

11 (ii) Severe communication disturbances;

12 (iii) Severe complex integrated disturbances of cerebral function;

13 (iv) Severe episodic neurological disorders; or

14 (v) Other severe brain and closed-head injury conditions at least as severe in nature
15 as any condition provided in divisions (i) through (iv) of this subparagraph;

16 (D) Second-degree or third-degree burns of 25 percent or more of the total body
17 surface or third-degree burns of 5 percent or more to the face and hands;

18 (E) Blindness, defined as a complete and total loss of vision; or

19 (F) Loss of reproductive organs which results in an inability to procreate.

20 (2) 'Claimant' means any person who has a cause of action for damages based on
21 personal injury or wrongful death arising from medical negligence.

22 (3) 'Health care provider' means any hospital, ambulatory surgical center, birthing center,
23 or mobile surgical facility as defined and licensed under Chapter 7 of Title 31; any person
24 licensed under Chapter 9, 10A, 11, 11A, 26, 28, 30, 33, 34, 35, 39, or 44 of Title 43; a
25 clinical lab licensed under Chapter 22 of Title 31; a health maintenance organization
26 certificated under Chapter 21 of Title 33; a blood bank; a plasma center; an industrial
27 clinic; a renal dialysis facility; or a professional association, partnership, corporation,
28 joint venture, or other association for professional activity by health care providers.

29 (4) 'Medical negligence' means medical malpractice, whether grounded in tort or in
30 contract.

31 (5) 'Noneconomic damages' means nonfinancial losses that would not have occurred but
32 for the injury giving rise to the cause of action, including pain and suffering,
33 inconvenience, physical impairment, mental anguish, disfigurement, loss of capacity for
34 enjoyment of life, and other nonfinancial losses to the extent the claimant is entitled to
35 recover such damages under general law, including an action for wrongful death pursuant
36 to Chapter 4 of this title.

1 (6) 'Practitioner' means any person licensed under Chapter 9, 10A, 11, 11A, 26, 28, 30,
2 33, 34, 35, 39, or 44 of Title 43. The term also means any association, corporation, firm,
3 partnership, or other business entity under which such practitioner practices or any
4 employee of such practitioner or entity acting in the scope of his or her employment. For
5 the purpose of determining the limitations on noneconomic damages set forth in this
6 Code section, the term includes any person or entity for whom a practitioner is
7 vicariously liable and any person or entity whose liability is based solely on such person
8 or entity being vicariously liable for the actions of a practitioner.

9 (b) Subject to the limitations set forth in subsection (c) of this Code section, with respect
10 to a cause of action for personal injury or wrongful death arising from medical negligence
11 of practitioners or health care providers, regardless of the number of such defendants,
12 noneconomic damages shall not exceed \$750,000.00 per claimant. No practitioner shall be
13 liable for more than \$750,000.00 in noneconomic damages, regardless of the number of
14 claimants.

15 (c) If the trier of fact determines by special interrogatories or other special means that the
16 defendant's negligence resulted in a catastrophic injury, a permanent vegetative state, or
17 death, the limitations set forth in subsection (b) of this Code section shall not be applied.

18 A finding under this subsection must be based on expert medical testimony."

19 \$\$AM 29 0317\$\$

20 LOST