

Bill No. CS for SB 2-C

Amendment No. \_\_\_\_ Barcode 600184

CHAMBER ACTION

Senate

House

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11 Senator Cowin moved the following amendment:

13 **Senate Amendment (with title amendment)**

14 On page 118, lines 2-9, delete those lines

16 and insert: the greater weight of evidence that:

17 (a) The alleged actions of the health care provider  
 18 represented a breach of the prevailing professional standard  
 19 of care for that health care provider. The prevailing  
 20 professional standard of care for a given health care provider  
 21 shall be that level of care, skill, and treatment which, in  
 22 light of all relevant surrounding circumstances, is recognized  
 23 as acceptable and appropriate by reasonably prudent similar  
 24 health care providers; and-

25 (b) The damage resulted from one or more of the  
 26 following adverse incidents:

- 27 1. The death of a patient;
- 28 2. Brain or spinal damage to a patient;
- 29 3. The performance of a medical, surgical, or  
 30 diagnostic procedure on the wrong patient;
- 31 4. The performance of a wrong-site surgical procedure;

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1           5. The performance of a wrong medical, surgical, or  
2 diagnostic procedure;

3           6. The performance of a medical, surgical, or  
4 diagnostic procedure that is medically unnecessary or  
5 otherwise unrelated to the patient's diagnosis or medical  
6 condition;

7           7. Damage resulting to a patient from a planned  
8 surgical procedure, where the damage requires surgical repair  
9 and the damage is not a recognized specific risk of the  
10 original surgical procedure, as disclosed to the patient and  
11 documented through the informed-consent process; or

12           8. The performance of procedures to remove unplanned  
13 foreign objects remaining from a surgical procedure.

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16 ===== T I T L E   A M E N D M E N T =====

17 And the title is amended as follows:

18           On page 13, line 4, after the second semicolon,

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20 insert:

21           providing addition elements that the claimant  
22           must prove in a medical negligence action;

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