

Bill No. SB 2160

Barcode 434414

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
. .  
. .  
. .  
. .  
. .

---

The Committee on Judiciary (Baker) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (2) of section 766.110, Florida Statutes, is amended to read:

766.110 Liability of health care facilities.--

(2) Every hospital licensed under chapter 395 may carry liability insurance or adequately insure itself in an amount of not less than \$1.5 million per claim, \$5 million annual aggregate to cover all medical injuries to patients resulting from negligent acts or omissions on the part of those members of its medical staff who are covered thereby in furtherance of the requirements of ss. 458.320 and 459.0085. Notwithstanding s. 626.901, a licensed hospital may extend insurance and self-insurance coverage to members of the medical staff, including physicians' practices, individually or through a group practice and other health care

Bill No. SB 2160

Barcode 434414

1 practitioners, as defined in s. 456.001(4), including students  
2 preparing for licensure. Such coverage must be limited to  
3 legal liability arising out of medical negligence within the  
4 hospital premises as defined under s. 766.401. ~~Self-insurance~~  
5 Coverage extended hereunder to a member of a hospital's  
6 medical staff meets the financial responsibility requirements  
7 of ss. 458.320 and 459.0085 if the physician's coverage limits  
8 are not less than the minimum limits established in ss.  
9 458.320 and 459.0085 ~~and the hospital is a verified trauma~~  
10 ~~center that has extended self-insurance coverage continuously~~  
11 ~~to members of its medical staff for activities both inside and~~  
12 ~~outside of the hospital. Any authorized insurer, approved~~  
13 insurer as defined in s. 626.914(2), risk retention group as  
14 defined in s. 627.942, or joint underwriting association  
15 established under s. 627.351(4) which is authorized or  
16 approved to write casualty insurance may make available, but  
17 is ~~shall~~ not ~~be~~ required to write, such coverage. The hospital  
18 may assess on an equitable and pro rata basis the following  
19 individuals to whom it extends coverage pursuant to this  
20 section ~~professional health care providers~~ for a portion of  
21 the total hospital insurance cost for this coverage:  
22 physicians licensed under chapter 458, osteopathic physicians  
23 licensed under chapter 459, podiatric physicians licensed  
24 under chapter 461, dentists licensed under chapter 466, ~~and~~  
25 nurses licensed under part I of chapter 464, and other health  
26 professionals. The hospital may provide for a deductible  
27 amount to be applied against any individual health care  
28 provider found liable in a law suit in tort or for breach of  
29 contract. The legislative intent in providing for the  
30 deductible to be applied to individual health care providers  
31 found negligent or in breach of contract is to instill in each

Bill No. SB 2160

Barcode 434414

1 individual health care provider the incentive to avoid the  
2 risk of injury to the fullest extent and ensure that the  
3 citizens of this state receive the highest quality health care  
4 obtainable.

5 Section 2. Present subsections (6) and (7) of section  
6 766.118, Florida Statutes, are renumbered as subsections (7)  
7 and (8), respectively, and a new subsection (6) is added to  
8 that section, to read:

9 766.118 Determination of noneconomic damages.--

10 (6) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE  
11 OF CERTAIN HOSPITALS.--With respect to a complaint for  
12 personal injury or wrongful death arising from medical  
13 negligence, a hospital that has received an order from the  
14 Agency for Health Care Administration pursuant to s. 766.402  
15 which certifies that the facility complies with patient-safety  
16 measures specified in s. 766.403 shall be liable for no more  
17 than \$500,000 in noneconomic damages, regardless of the number  
18 of claimants, number of claims, or theory of liability,  
19 including vicarious liability, arising from the same nucleus  
20 of operative fact, notwithstanding any other provision of this  
21 section.

22 Section 3. Section 766.401, Florida Statutes, is  
23 created to read:

24 766.401 Definitions.--As used in this section and ss.  
25 766.402-766.405, the term:

26 (1) "Affected patient" means a patient of a certified  
27 patient-safety facility.

28 (2) "Affected practitioner" means any person,  
29 including a physician, who is credentialed by the eligible  
30 hospital to provide health care services in a certified  
31 patient-safety facility.

Bill No. SB 2160

Barcode 434414

1       (3) "Agency" means the Agency for Health Care  
2 Administration.

3       (4) "Certified patient-safety facility" means any  
4 eligible hospital that, in accordance with an order from the  
5 Agency for Health Care Administration, has adopted a  
6 patient-safety plan.

7       (5) "Eligible hospital" or "licensed facility" means a  
8 statutory teaching hospital, as defined by s. 408.07, which  
9 maintains at least seven different accredited programs in  
10 graduate medical education and has 100 or more full-time  
11 equivalent resident physicians.

12       (6) "Health care provider" or "provider" means:

13       (a) An eligible hospital.

14       (b) A physician or a physician assistant licensed  
15 under chapter 458.

16       (c) An osteopathic physician or an osteopathic  
17 physician assistant licensed under chapter 459.

18       (d) A registered nurse, nurse midwife, licensed  
19 practical nurse, or advanced registered nurse practitioner  
20 licensed or registered under part I of chapter 464 or any  
21 facility that employs nurses licensed or registered under part  
22 I of chapter 464 to supply all or part of the care delivered  
23 by that facility.

24       (e) A health care professional association and its  
25 employees or a corporate medical group and its employees.

26       (f) Any other medical facility in which the primary  
27 purpose is to deliver human medical diagnostic services or to  
28 deliver nonsurgical human medical treatment, including an  
29 office maintained by a provider.

30       (g) A free clinic that delivers only medical  
31 diagnostic services or nonsurgical medical treatment free of

Bill No. SB 2160

Barcode 434414

1 charge to low-income persons not otherwise covered by Medicaid  
2 or other programs for low-income persons.

3 (h) Any other health care professional, practitioner,  
4 or provider, including a student enrolled in an accredited  
5 program, who prepares the student for licensure as any one of  
6 the professionals listed in this subsection.

7 (i) Any person, organization, or entity that is  
8 vicariously liable under the theory of respondeat superior or  
9 any other theory of legal liability for medical negligence  
10 committed by any licensed professional listed in this  
11 subsection.

12 (j) Any nonprofit corporation qualified as exempt from  
13 federal income taxation under s. 501(a) of the Internal  
14 Revenue Code and described in s. 501(c) of the Internal  
15 Revenue Code, including any university or medical school that  
16 employs licensed professionals listed in this subsection or  
17 which delivers health care services provided by licensed  
18 professionals listed in this subsection, any federally funded  
19 community health center, and any volunteer corporation or  
20 volunteer health care provider that delivers health care  
21 services.

22 (7) "Health care practitioner" or "practitioner" means  
23 any person, entity, or organization identified in subsection  
24 (6), except for a hospital.

25 (8) "Adverse incident" has the same meaning as  
26 provided in ss. 381.0271, 395.0197, 458.351, and 459.026.

27 (9) "Medical negligence" means medical malpractice,  
28 whether grounded in tort or in contract, arising out of the  
29 rendering of or failure to render medical care or services.

30 (10) "Person" means any individual, partnership,  
31 corporation, association, or governmental unit.

Bill No. SB 2160

Barcode 434414

1       (11) "Premises" means those buildings, beds, and  
 2 equipment located at the address of the licensed facility and  
 3 all other buildings, beds, and equipment for the provision of  
 4 the hospital, ambulatory surgical, mobile surgical care,  
 5 primary care, or comprehensive health care under the dominion  
 6 and control of the licensee, including offices and locations  
 7 where the licensed facility offers medical care and treatment  
 8 to affected patients.

9       (12) "Statutory teaching hospital" or "teaching  
 10 hospital" has the same meaning as provided in s. 408.07.

11       Section 4. Section 766.402, Florida Statutes, is  
 12 created to read:

13       766.402 Agency approval of patient-safety plans.--

14       (1) An eligible hospital that has adopted a  
 15 patient-safety plan may petition the agency to enter an order  
 16 certifying approval of the hospital as a certified  
 17 patient-safety facility.

18       (2) In accordance with chapter 120, the agency shall  
 19 enter an order certifying approval of the certified  
 20 patient-safety facility upon a showing that, in furtherance of  
 21 an approach to patient safety:

22       (a) The petitioner has established safety measures for  
 23 the care and treatment of patients.

24       (b) The petitioner satisfies requirements for  
 25 patient-protection measures, as specified in s. 766.403.

26       (c) The petitioner satisfies all other requirements of  
 27 ss. 766.401-766.405.

28       (3) Upon entry of an order approving the petition, the  
 29 agency may conduct onsite examinations of the licensed  
 30 facility to assure continued compliance with the terms and  
 31 conditions of the order.

Bill No. SB 2160

Barcode 434414

1       (4) The order approving a petition under this section  
 2 remains in effect until revoked. The agency may revoke the  
 3 order upon reasonable notice to the eligible hospital that it  
 4 fails to comply with material requirements of s. 766.403 and  
 5 that the hospital has failed to cure stated deficiencies upon  
 6 reasonable notice. Revocation of an agency order pursuant to  
 7 s. 766.403 applies prospectively to any cause of action for  
 8 medical negligence which arises on or after the effective date  
 9 of the order of revocation.

10       (5) An order approving a petition under this section  
 11 is, as a matter of law, conclusive evidence that the hospital  
 12 complies with the applicable patient-safety requirements of s.  
 13 766.403. A hospital's noncompliance with the requirements of  
 14 s. 766.403 does not affect the limitations on damages  
 15 conferred by this section. Evidence of noncompliance with s.  
 16 766.403 is not admissible for any purpose in any action for  
 17 medical malpractice. This section, or any portion thereof, may  
 18 not give rise to an independent cause of action for damages  
 19 against any hospital.

20       Section 5. Section 766.403, Florida Statutes, is  
 21 created to read:

22       766.403 Patient-safety plans.--

23       (1) In order to satisfy the requirements of s.  
 24 766.402, the licensed facility shall have a patient-safety  
 25 plan, which provides that the facility shall:

26       (a) Have in place a process, either through the  
 27 facility's patient-safety committee or a similar body, for  
 28 coordinating the quality control, risk management, and  
 29 patient-relations functions of the facility and for reporting  
 30 to the facility's governing board at least quarterly regarding  
 31 such efforts.

Bill No. SB 2160

Barcode 434414

1       (b) Establish within the facility a system for  
 2 reporting near misses and agree to submit any information  
 3 collected to the Florida Patient Safety Corporation. Such  
 4 information must be submitted by the facility and made  
 5 available by the Patient Safety Corporation in accordance with  
 6 s. 381.0271(7).

7       (c) Design and make available to facility staff,  
 8 including medical staff, a patient-safety curriculum that  
 9 provides lecture and web-based training on recognized  
 10 patient-safety principles, which may include training in  
 11 communication skills, team-performance assessment and  
 12 training, risk-prevention strategies, and best practices and  
 13 evidence-based medicine. The licensed facility shall report  
 14 annually the programs presented to the agency.

15       (d) Implement a program to identify health care  
 16 providers on the facility's staff who may be eligible for an  
 17 early-intervention program that provides additional skills  
 18 assessment and training and offer such training to the staff  
 19 on a voluntary and confidential basis with established  
 20 mechanisms to assess program performance and results.

21       (e) Implement a simulation-based program for skills  
 22 assessment, training, and retraining of a facility's staff in  
 23 those tasks and activities that the agency identifies by rule.

24       (f) Designate a patient advocate who coordinates with  
 25 members of the medical staff and the facility's chief medical  
 26 officer regarding the disclosure of adverse medical incidents  
 27 to patients. In addition, the patient advocate shall  
 28 establish an advisory panel, consisting of providers, patients  
 29 or their families, and other health care consumers or consumer  
 30 groups to review general patient-safety concerns and other  
 31 issues related to relations among and between patients and



Barcode 434414

1 providers and to identify areas where additional education and  
2 program development may be appropriate.

3       (g) Establish a procedure to biennially review the  
4 facility's patient-safety program and its compliance with the  
5 requirements of this section. Such review shall be conducted  
6 by an independent patient-safety organization as defined in s.  
7 766.1016(1) or other professional organization approved by the  
8 agency. The organization performing the review shall prepare a  
9 written report that contains detailed findings and  
10 recommendations. The report shall be forwarded to the  
11 facility's risk manager or patient-safety officer, who may  
12 make written comments in response. The report and any written  
13 comments shall be presented to the governing board of the  
14 licensed facility. A copy of the report and any of the  
15 facility's responses to the findings and recommendations shall  
16 be provided to the agency within 60 days after the date that  
17 the governing board reviewed the report. The report is  
18 confidential and exempt from production or discovery in any  
19 civil action. Likewise, the report and the information  
20 contained therein are not admissible as evidence for any  
21 purpose in any action for medical negligence.

22       (h) Establish a system for the trending and tracking  
23 of quality and patient-safety indicators that the agency may  
24 identify by rule and a method for review of the data at least  
25 semiannually by the facility's patient-safety committee.

26       (2) This section does not constitute an applicable  
27 standard of care in any action for medical negligence or  
28 otherwise create a private right of action, and evidence of  
29 noncompliance with this section is not admissible for any  
30 purpose in any action for medical negligence against any  
31 health care provider.

Bill No. SB 2160

Barcode 434414

1       (3) This section does not prohibit the licensed  
2 facility from implementing other measures for promoting  
3 patient safety within the premises. This section does not  
4 relieve the licensed facility from the duty to implement any  
5 other patient-safety measure that is required by state law.  
6 The Legislature intends that the patient-safety measures  
7 specified in this section are in addition to all other  
8 patient-safety measures required by state law, federal law,  
9 and applicable accreditation standards for licensed  
10 facilities.

11       (4) A review, report, or other document created,  
12 produced, delivered, or discussed pursuant to this section is  
13 not discoverable or admissible as evidence in any legal  
14 action.

15           Section 6. Section 766.404, Florida Statutes, is  
16 created to read:

17           766.404 Annual report.--

18       (1) Each certified patient-safety facility shall  
19 submit an annual report to the agency containing information  
20 and data reasonably required by the agency to evaluate  
21 performance and effectiveness of its patient-safety plan.  
22 However, information may not be submitted or disclosed in  
23 violation of any patient's right to privacy under state or  
24 federal law.

25       (2) The agency shall aggregate information and data  
26 submitted by all certified patient-safety facilities, and each  
27 year, on or before March 1, the agency shall submit a report  
28 to the President of the Senate and the Speaker of the House of  
29 Representatives which evaluates the performance and  
30 effectiveness of the approach to enhancing patient safety and  
31 limiting provider liability in certified patient-safety

Bill No. SB 2160

Barcode 434414

1 facilities. The report must include, but need not be limited  
2 to, pertinent data concerning:

3 (a) The number and names of certified patient-safety  
4 facilities;

5 (b) The number and types of patient-protection  
6 measures currently in effect in these facilities;

7 (c) The number of affected patients;

8 (d) The number of surgical procedures on affected  
9 patients;

10 (e) The number of medical incidents, claims of medical  
11 malpractice, and claims resulting in indemnity;

12 (f) The average time for resolution of contested and  
13 uncontested claims of medical malpractice;

14 (g) The percentage of claims which result in civil  
15 trials;

16 (h) The percentage of civil trials which result in  
17 adverse judgments against affected facilities;

18 (i) The number and average size of an indemnity paid  
19 to claimants;

20 (j) The estimated liability expense, inclusive of  
21 medical liability insurance premiums; and

22 (k) The percentage of medical liability expense,  
23 inclusive of medical liability insurance premiums, which is  
24 borne by affected practitioners in certified patient-safety  
25 facilities.

26  
27 The report may also include other information and data that  
28 the agency deems appropriate to gauge the cost and benefit of  
29 patient-safety plans.

30 (3) The agency's annual report to the President of the  
31 Senate and the Speaker of the House of Representatives may

Bill No. SB 2160

Barcode 434414

1 include relevant information and data obtained from the Office  
 2 of Insurance Regulation within the Department of Financial  
 3 Services concerning the availability and affordability of  
 4 enterprise-wide medical liability insurance coverage for  
 5 affected facilities and the availability and affordability of  
 6 insurance policies for individual practitioners which contain  
 7 coverage exclusions for acts of medical negligence in  
 8 facilities that indemnify health practitioners. The Office of  
 9 Insurance Regulation shall cooperate with the agency in the  
 10 reporting of information and data specified in this  
 11 subsection.

12 (4) Reports submitted to the agency by certified  
 13 patient-safety facilities pursuant to this section are public  
 14 records under chapter 119. However, these reports, and the  
 15 information contained therein, are not admissible as evidence  
 16 in a court of law in any action.

17 Section 7. Section 766.405, Florida Statutes, is  
 18 created to read:

19 766.405 Damages in malpractice actions against certain  
 20 hospitals that meet patient-safety requirements; agency  
 21 approval of patient-safety measures.--

22 (1) In recognition of their essential role in training  
 23 future health care providers and in providing innovative  
 24 medical care for this state's residents, in recognition of  
 25 their commitment to treating indigent patients, and further in  
 26 recognition that teaching hospitals, as defined in s. 408.07,  
 27 provide benefits to the residents of this state through their  
 28 roles in improving the quality of medical care, training of  
 29 health care providers, and caring for indigent patients, the  
 30 limits of liability for medical malpractice arising out of the  
 31 rendering of, or the failure to render, medical care by all

Bill No. SB 2160

Barcode 434414

1 such hospitals shall be determined in accordance with the  
2 requirements of this section.

3 (2) Upon entry of an order and for the entire period  
4 of time that the order remains in effect, the damages  
5 recoverable from an eligible hospital covered by the order and  
6 from its full-time employee physicians and full-time and  
7 part-time non-physician employees and agents in actions  
8 arising from medical negligence shall be determined in  
9 accordance with the following provisions:

10 (a) Noneconomic damages shall be limited to a maximum  
11 of \$500,000, regardless of the number of claimants, number of  
12 claims, or the theory of liability pursuant to s. 766.118(6).

13 (b) Awards of economic damages shall be offset by  
14 payments from collateral sources, as defined by s. 766.202(2),  
15 and any set-offs available under ss. 46.015 and 768.041.  
16 Awards for future economic losses shall be offset by future  
17 collateral source payments.

18 (c) After being offset by collateral sources, awards  
19 of future economic damages shall, at the option of the  
20 eligible hospital, be reduced by the court to present value or  
21 paid through periodic payments in the form of an annuity or a  
22 reversionary trust. A company that underwrites an annuity to  
23 pay future economic damages shall have a rating of "A" or  
24 higher by A.M. Best Company. The terms of the reversionary  
25 instrument used to periodically pay future economic damages  
26 must be approved by the court. Such approval may not be  
27 unreasonably withheld.

28 (3) The limitations on damages in subsection (2) apply  
29 prospectively to causes of action for medical negligence which  
30 arise on or after the effective date of the order.

31 Section 8. Section 766.406, Florida Statutes, is

Bill No. SB 2160

Barcode 434414

1 created to read:

2 766.406 Rulemaking authority.--The agency may adopt  
3 rules to administer ss. 766.401-766.405.

4 Section 9. If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 invalidity does not affect other provisions or applications of  
7 the act which can be given effect without the invalid  
8 provision or application, and to this end, the provisions of  
9 this act are severable.

10 Section 10. The sum of \$226,984 in recurring funds  
11 from the Health Care Trust Fund and the sum of \$72,057 in  
12 nonrecurring funds from the Health Care Trust Fund are  
13 appropriated, and 3 full time equivalent positions and  
14 associated salary rate of \$127,817 are authorized to the  
15 Agency for Health Care Administration for the 2006-2007 fiscal  
16 year, for the purpose of implementing the provisions of this  
17 act.

18 Section 11. This act shall take effect upon becoming a  
19 law.

20  
21

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

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25

26 and insert:

27 A bill to be entitled  
28 An act relating to medical malpractice  
29 insurance; amending s. 766.110, F.S.;  
30 specifying certain authorized insurers who may  
31 make available liability insurance; amending s.

Bill No. SB 2160

Barcode 434414

1 766.118, F.S.; providing a limitation on  
2 noneconomic damages for a hospital facility  
3 that complies with certain patient-safety  
4 measures; creating s. 766.401, F.S.; providing  
5 definitions; creating s. 766.402, F.S.;  
6 authorizing an eligible hospital to petition  
7 the agency for an order certifying the hospital  
8 as a certified patient-safety facility;  
9 providing requirements for certification as a  
10 patient-safety facility; authorizing the agency  
11 to conduct onsite examinations; providing for  
12 revocation of an order certifying approval of a  
13 certified patient-safety facility; providing  
14 that an order certifying the approval of a  
15 certified patient-safety facility is conclusive  
16 evidence of compliance with statutory  
17 patient-safety requirements; providing that  
18 evidence of noncompliance is not admissible for  
19 any action for medical malpractice; creating s.  
20 766.403, F.S.; providing requirements for a  
21 hospital to demonstrate that it is engaged in a  
22 common enterprise for the care and treatment of  
23 patients; specifying required patient-safety  
24 measures; prohibiting a report or document  
25 generated under the act from being admissible  
26 or discoverable as evidence; creating s.  
27 766.404, F.S.; requiring a certified  
28 patient-safety facility to submit an annual  
29 report to the agency and the Legislature;  
30 providing requirements for the annual report;  
31 providing that the annual report may include

Bill No. SB 2160

Barcode 434414

1 certain information from the Office of  
2 Insurance Regulation within the Department of  
3 Financial Services; providing that the annual  
4 report is subject to public-records  
5 requirements but is not admissible as evidence  
6 in a legal proceeding; creating s. 766.405,  
7 F.S.; providing for limitations on damages for  
8 eligible hospitals that are certified for  
9 compliance with certain patient-safety  
10 measures; creating s. 766.406, F.S.; providing  
11 rulemaking authority; providing for  
12 severability; providing an appropriation;  
13 providing an effective date.  
14

15 WHEREAS, the Legislature finds that this state is in  
16 the midst of a prolonged medical malpractice insurance crisis  
17 that has serious adverse effects on patients, practitioners,  
18 licensed health care facilities, and all residents of this  
19 state, and

20 WHEREAS, the Legislature finds that hospitals are  
21 central components of the modern health care delivery system,  
22 and

23 WHEREAS, the Legislature finds that the medical  
24 malpractice insurance crisis in this state can be alleviated



25 by the adoption of innovative approaches for patient safety in  
26 teaching hospitals, which can lead to a reduction in medical  
27 errors coupled with a limitation on noneconomic damages that  
28 can be awarded against a teaching hospital that implements  
29 such innovative approaches, and

30 WHEREAS, the Legislature finds statutory incentives are  
31 necessary to facilitate innovative approaches for patient

Bill No. SB 2160

Barcode 434414

1 safety in hospitals and that such incentives and  
2 patient-safety measures will benefit all persons seeking  
3 health care services in this state, and

4 WHEREAS, the Legislature finds that coupling patient  
5 safety measures and a limitation on provider liability in  
6 teaching hospitals will lead to a reduction in the frequency  
7 and severity of incidents of medical malpractice in hospitals,  
8 and

9 WHEREAS, the Legislature finds that a reduction in the  
10 frequency and severity of incidents of medical malpractice in  
11 hospitals will reduce attorney's fees and other expenses  
12 inherent in the medical liability system, and

13 WHEREAS, the Legislature finds that there is no  
14 alternative method that addresses the overpowering public  
15 necessity to implement patient-safety measures and limit  
16 provider liability, and

17 WHEREAS, the Legislature finds that making high-quality  
18 health care available to the residents of this state is an  
19 overpowering public necessity, and

20 WHEREAS, the Legislature finds that medical education  
21 in this state is an overpowering public necessity, and

22 WHEREAS, the Legislature finds that statutory teaching  
23 hospitals are essential for high-quality medical care and  
24 medical education in this state, and

25 WHEREAS, the Legislature finds that the critical  
26 mission of statutory teaching hospitals is severely undermined  
27 by the ongoing medical malpractice crisis, and

28 WHEREAS, and the Legislature finds that teaching  
29 hospitals are appropriate health care facilities for the  
30 implementation of innovative approaches to enhancing patient  
31 safety and limiting provider liability, and severity of

Bill No. SB 2160

Barcode 434414

1 incidents of medical malpractice in hospitals will reduce  
2 attorney's fees and other expenses inherent in the medical  
3 liability system, and

4           WHEREAS, the Legislature finds that there is no  
5 alternative method that addresses the overpowering public  
6 necessity to implement patient-safety measures and limit  
7 provider liability, and

8           WHEREAS, the Legislature finds that making high-quality  
9 health care available to the residents of this state is an  
10 overpowering public necessity, and

11           WHEREAS, the Legislature finds that medical education  
12 in this state is an overpowering public necessity, and

13           WHEREAS, the Legislature finds that statutory teaching  
14 hospitals are essential for high-quality medical care and  
15 medical education in this state, and

16           WHEREAS, the Legislature finds that the critical  
17 mission of statutory teaching hospitals is severely undermined  
18 by the ongoing medical malpractice crisis, and

19           WHEREAS, and the Legislature finds that teaching  
20 hospitals are appropriate health care facilities for the  
21 implementation of innovative approaches to enhancing patient  
22 safety and limiting provider liability, and

23           WHEREAS, the Legislature finds an overpowering public  
24 necessity to impose reasonable limitations on actions for  
25 medical malpractice against teaching hospitals in furtherance  
26 of the critical public interest in promoting access to  
27 high-quality medical care, medical education, and innovative  
28 approaches to patient safety and provider liability, and

29           WHEREAS, the Legislature finds an overpowering public  
30 necessity for teaching hospitals to implement innovative  
31 measures for patient safety and limit provider liability in

Bill No. SB 2160

Barcode 434414

1 order to generate empirical data for state policymakers  
2 concerning the effectiveness of these measures. Such data may  
3 lead to broader application of these measures in a wider array  
4 of hospitals after a reasonable period of evaluation and  
5 review, and

6           WHEREAS, the Legislature finds an overpowering public  
7 necessity to promote the academic mission of teaching  
8 hospitals, and

9           WHEREAS, the Legislature finds that the academic  
10 mission of these medical facilities is materially enhanced by  
11 statutory authority for the implementation of innovative  
12 approaches to promoting patient safety and limiting provider  
13 liability, and

14           WHEREAS, innovative approaches to patient safety can be  
15 carefully studied and learned by medical students, medical  
16 school faculty, and affiliated physicians in appropriate  
17 clinical settings, thereby enlarging the body of knowledge  
18 concerning patient safety and provider liability which is  
19 essential for advancement of patient safety, reduction of  
20 expenses inherent in the medical liability system, and  
21 curtailment of the medical malpractice insurance crisis in  
22 this state.

23  
24  
25  
26  
27  
28  
29  
30  
31