

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-38 of the Code of Virginia, relating to tort liability of hospitals.*

3 [S 405]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 8.01-38 of the Code of Virginia is amended and reenacted as follows:**

7 § 8.01-38. Tort liability of hospitals.

8 Hospital as referred to in this section shall include any institution within the definition of hospital in
9 § 32.1-123.10 No hospital, as defined in this section, shall be immune from liability for negligence or any other tort
11 on the ground that it is a charitable institution unless (i) such hospital renders exclusively charitable
12 medical services for which service no bill for service is rendered to, nor any charge is ever made to the
13 patient; or (ii) the party alleging such negligence or other tort was accepted as a patient by such
14 institution under an express written agreement executed by the hospital and delivered at the time of
15 admission to the patient or the person admitting such patient providing that all medical services
16 furnished such patient are to be supplied on a charitable basis without financial liability to the patient.
17 However, notwithstanding the provisions of § 8.01-581.15 a hospital which is exempt from taxation
18 pursuant to § 501 (c) (3) of Title 26 of the United States Code (Internal Revenue Code of 1954) and
19 which is insured against liability for negligence or other tort in an amount not less than \$500,000 for
20 each occurrence shall not be liable for damage in excess of the limits of such insurance, or in actions
21 for medical malpractice pursuant to Chapter 21.1 (§ 8.01-581.1 et seq.); ~~the lesser of the limits of such~~
22 ~~insurance or \$1 million~~ *for damages in excess of the amount set forth in § 8.01-581.15.*

ENROLLED

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