

# 2009 SESSION

INTRODUCED

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## SENATE BILL NO. 843

Offered January 14, 2009

Prefiled December 22, 2008

*A BILL to amend and reenact § 8.01-581.15 of the Code of Virginia, relating to limitation on recovery in certain medical malpractice actions.*

Patron—Marsh

Referred to Committee for Courts of Justice

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 8.01-581.15 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-581.15. Limitation on recovery in certain medical malpractice actions.

In any verdict returned against a health care provider in an action for malpractice where the act or acts of malpractice occurred on or after August 1, 1999, which is tried by a jury or in any judgment entered against a health care provider in such an action which is tried without a jury, the total amount recoverable for any injury to, or death of, a patient shall not exceed \$1.5 million. The maximum recovery limit of \$1.5 million shall increase on July 1, 2000, and each July 1 thereafter by \$50,000 per year; however, the annual increase on July 1, 2007, and the annual increase on July 1, 2008, shall be \$75,000 per year. *On July 1, 2009, the total amount recoverable shall be increased to \$2,750,000, and on each July 1 thereafter, it shall be increased by the annual percent change in the medical care component of the most recent publication of the Consumer Price Index for All Urban Consumers published by the United States Department of Labor, Bureau of Labor Statistics, or by any replacement index adopted by the Department of Labor for medical costs.* Each annual increase shall apply to the act or acts of malpractice occurring on or after the effective date of the increase. ~~The July 1, 2008, increase shall be the final annual increase.~~

~~Where the act or acts of malpractice occurred prior to August 1, 1999, the total amount recoverable for any injury to, or death of, a patient shall not exceed the limitation on recovery set forth in this statute as it was in effect when the act or acts of malpractice occurred.~~

In interpreting this section, the definitions found in § 8.01-581.1 shall be applicable.

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