

# 2011 SESSION

## HOUSE SUBSTITUTE

11105269D

### SENATE BILL NO. 771

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 21, 2011)

(Patrons Prior to Substitute—Senators Saslaw and Norment)

*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.*

**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. 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. the following, corresponding amount:

August 1, 1999 through June 30, 2000	\$1.50 million
July 1, 2000 through June 30, 2001	\$1.55 million
July 1, 2001 through June 30, 2002	\$1.60 million
July 1, 2002 through June 30, 2003	\$1.65 million
July 1, 2003 through June 30, 2004	\$1.70 million
July 1, 2004 through June 30, 2005	\$1.75 million
July 1, 2005 through June 30, 2006	\$1.80 million
July 1, 2006 through June 30, 2007	\$1.85 million
July 1, 2007 through June 30, 2008	\$1.925 million
July 1, 2008 through June 30, 2012	\$2.00 million
July 1, 2012 through June 30, 2013	\$2.05 million
July 1, 2013 through June 30, 2014	\$2.10 million
July 1, 2014 through June 30, 2015	\$2.15 million
July 1, 2015 through June 30, 2016	\$2.20 million
July 1, 2016 through June 30, 2017	\$2.25 million
July 1, 2017 through June 30, 2018	\$2.30 million
July 1, 2018 through June 30, 2019	\$2.35 million
July 1, 2019 through June 30, 2020	\$2.40 million
July 1, 2020 through June 30, 2021	\$2.45 million
July 1, 2021 through June 30, 2022	\$2.50 million
July 1, 2022 through June 30, 2023	\$2.55 million
July 1, 2023 through June 30, 2024	\$2.60 million
July 1, 2024 through June 30, 2025	\$2.65 million
July 1, 2025 through June 30, 2026	\$2.70 million
July 1, 2026 through June 30, 2027	\$2.75 million
July 1, 2027 through June 30, 2028	\$2.80 million
July 1, 2028 through June 30, 2029	\$2.85 million
July 1, 2029 through June 30, 2030	\$2.90 million
July 1, 2030 through June 30, 2031	\$2.95 million

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 July 1, 2031, 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 \$3 million. Each annual increase shall apply to the act or acts of malpractice occurring on or after the effective date of the 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.

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