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## SENATE BILL NO. 1230

Offered January 21, 1999

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

Patrons—Marsh; Delegates: Grayson and Jones, D.C.

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 ~~October 1, 1983~~ July 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, *exclusive of any interest awarded*, shall not exceed ~~one~~ three million dollars, *from any one defendant. The maximum recovery limit of three million dollars shall apply separately to each defendant other than a defendant whose liability is based solely on vicarious liability. The maximum recovery limit of three million dollars shall increase on an annual basis by the previous year's increase in the "medical care" component of the Consumer Price Index, as published by the United States Department of Labor.*

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

INTRODUCED

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