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SENATE BILL NO. 1230

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

(Patron Prior to Substitute—Senator Marsh)

Senate Amendments in [] — February 9, 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.

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~~ *\$1.5 million dollars. The maximum recovery limit of \$1.5 million shall increase on an annual basis by \$50,000 [and shall apply to the act or acts of malpractice occurring on or after July 1 of each year the increase is applied .] This increase in the maximum limit recovery shall expire on July 1, 2009.*

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

ENGROSSED

SB1230ES1