

1999 SESSION

HOUSE SUBSTITUTE

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SENATE BILL NO. 1230

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 22, 1999)

(Patrons Prior to Substitute—Senators Marsh and Reynolds [SB 1181])

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~~ 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 ~~one~~ \$1.5 million dollars. *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.*

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

That the provisions of this act shall become effective on August 1, 1999.

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SB1230H1