

2011 SESSION

INTRODUCED

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SENATE BILL NO. 771

Offered January 12, 2011

Prefiled December 8, 2010

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

Patrons—Saslaw, Norment and Northam

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~~ July 1, 1999 2012, 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~~ \$2.05 million. The maximum recovery limit of ~~\$1.5~~ \$2.05 million shall increase on July 1, 2000 2013, 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 2031, increase shall be the final annual increase.

Where the act or acts of malpractice occurred prior to ~~August~~ July 1, 1999 2012, 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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