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LEGISLATIVE POLICY BRIEF: HEALTHCARE

Subject: Medical Malpractice Reform

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Issue Summary: On July 21, 2012 the Missouri Supreme Court overturned the state's cap on non-economic damages in medical malpractice lawsuits. As a result, there is no limit to what a jury can award a plaintiff under current law. The House of Representatives passed legislation in 2013 to reinstate the previous caps that were enacted under former Republican Governor Matt Blunt in 2005; however, the measure [fell short in the state Senate](#) in the final weeks of the 2013 legislative session. Physicians and health care providers from around the state have teamed up with hospitals, ambulatory surgery centers, and other organizations to form the Show Me Tort Reform Coalition. The coalition is working with legislators in a 2014 advocacy campaign to reinstate limits on non-economic damages, as they fear the status-quo will lead to a higher number of frivolous lawsuits and force providers out of the state. [Read more here.](#)

Proponents: *Missouri State Medical Association; Missouri Hospital Association; Missouri Chamber of Commerce and Industry; Missouri Association of Osteopathic Physicians & Surgeons; Missouri Health Care Association; Missouri Pharmacy Association; Missouri Insurance Coalition; Washington University School of Medicine; Missouri Radiological Society; Leading Age Missouri; Missouri Association of Rural Health Clinics; Missouri Society of Eye Physicians and Surgeons; Missouri Society of Anesthesiologists; Missouri Optometric Association; Missouri Sleep Society; Missouri Dermatological Society; Missouri Association of Nurse Anesthetists; Missouri State Neurological Association; American Congress of Obstetricians and Gynecologists, Missouri Section; Missouri Academy of Family Physicians; Missouri Ambulatory Surgery Center Association; Missouri Society of Interventional Pain Physicians; Missouri Psychiatric Association; Missouri College of Emergency Physicians; Missouri Organization of Defense Lawyers; Missouri Chapter of the American Academy of Pediatrics; BJC Healthcare; National Federation of Independent Physicians; The Keane Insurance Group; Missouri State Orthopaedic Association.*

Opponents: *Missouri Association of Trial Attorneys*

Pending Legislation and Bill Sponsors:

House Bill 1173, sponsored by [Representative Eric Burlison \(R-Springfield\)](#): *Establishes a statutory cause of action, replacing the common law action, for damages against a health care provider for personal injury arising out of the rendering of or failure to render health services. Status: Pre-filed*

House Bill 1083, sponsored by [Representative John McCartney \(R-High Ridge\)](#): *Establishes a two-year statute of limitations for actions against a mental health professional for malpractice, negligence, error, or mistake. Status: Pre-filed*

[House Joint Resolution 45](#), sponsored by [Representative Bill White \(R-Joplin\)](#): *Proposes a constitutional amendment limiting the liability for damages and authorizes the General Assembly to adjust the amount as necessary by law. Status: Pre-filed*

[Senate Bill 583](#), sponsored by [Senator Bob Dixon \(R-Springfield\)](#): *Changes the evidentiary standard for noneconomic damages in medical malpractice cases. Status: Pre-filed*

[Senate Bill 585](#), sponsored by [Senator Bob Dixon \(R-Springfield\)](#): *Modifies the calculation of the limitation for punitive damages. Status: Pre-filed*

[Senate Bill 589](#), sponsored by [Senator Dan Brown \(R-Rolla\)](#): *Creates a statutory cause of action for damages against health care providers. Status: Pre-filed*

[Senate Joint Resolution 25](#), sponsored by [Senator Brad Lager \(R-Savannah\)](#): *Grants the General Assembly the power to limit by statute jury awards of noneconomic damages. Status: Pre-filed*

Upcoming Events:

Wednesday, January 8th, 2013: First day of 2014 legislative session in Jefferson City, MO

Wednesday, March 5th, 2013: Show Me Tort Reform White Coat Rally at Missouri State Capitol, Jefferson City, MO

News & Media:

[Bills target medical malpractice legislation \(Springfield News-Leader\)](#)

[Rep. Eric Burlison Pre-files Bill to Reinstate Medical Malpractice Limits](#)

[MO Lawmakers will try to limit medical lawsuits \(KRCG\)](#)

[Schultz & Myers Oppose Capping Medical Malpractice Damages in Missouri \(St. Louis Post-Dispatch\)](#)

[Malpractice caps crucial to good care \(Columbia Tribune\)](#)

Other Resources:

[2012 Medical Malpractice Report, Missouri Department of Insurance](#)

[Special Standing Committee on Emerging Issues in Health Care, Missouri House of Representatives \(Chairman: Representative Todd Richardson, R-Poplar Bluff\)](#)

[State by State Comparison on Noneconomic Damages, American Tort Reform Association](#)

[Medical Liability Reform, American Medical Association](#)

[One-Page Handouts, Show-Me Tort Reform](#)

[Tort Reform: Missouri Lawyers Weekly](#)