

NO FISCAL IMPACT

Drafting Number: LLS 08-0821**Date:** February 15, 2008**Prime Sponsor(s):** Sen. Groff
Rep. Carroll T.**Bill Status:** Senate SVMA**Fiscal Analyst:** Jessika Shipley (303-866-3528)

TITLE: CONCERNING THE ALIGNMENT OF THE LIMITATION ON DAMAGES FOR NONECONOMIC LOSS OR INJURY IN ACTIONS BROUGHT PURSUANT TO THE "HEALTH CARE AVAILABILITY ACT" WITH THE LIMITATION ON DAMAGES FOR NONECONOMIC LOSS OR INJURY IN GENERAL CIVIL ACTIONS.**Summary of Legislation**

This bill changes the definition of non-economic damages with regard to medical malpractice actions to exclude physical impairment or disfigurement. The bill caps non-economic damages in medical malpractice actions occurring on or after July 1, 2008, at \$250,000. A court may not exceed the \$250,000 cap unless it finds clear and convincing evidence for doing so. The bill is effective upon the signature of the Governor, or upon the bill becoming law without his signature.

Assessment

This bill applies only to cases that are resolved by trial, which includes approximately 2 percent of medical malpractice cases filed in district court. The bill is expected to slightly increase the number of hearings on the issue of whether there is clear and convincing evidence to exceed the non-economic damage cap. The increase in workload is assumed to be minimal and can be absorbed within existing resources. Given that the bill will not increase state or local revenues or expenditures, it is assessed as having no fiscal impact.

Departments Contacted

Judicial