

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1286 be amended to read as follows:

1 Page 4, between lines 39 and 40, begin a new paragraph and
2 insert:
3 "SECTION 5. IC 27-12-8-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) Notwithstanding
5 section 4 of this chapter, a patient may commence an action against a
6 health care provider for malpractice without submitting a proposed
7 complaint to a medical review panel if the patient's pleadings include
8 a declaration that the patient seeks damages from the health care
9 provider in an amount not greater than ~~fifteen~~ **seventy-five** thousand
10 dollars ~~(\$15,000)~~ **(\$75,000)**. In an action commenced under this
11 subsection, the patient is barred from recovering any amount greater
12 than ~~fifteen~~ **seventy-five** thousand dollars ~~(\$15,000)~~ **(\$75,000)**, except
13 as provided in subsection (b).
14 (b) A patient who:
15 (1) commences an action under subsection (a) in the reasonable
16 belief that damages in an amount not greater than ~~fifteen~~
17 **seventy-five** thousand dollars ~~(\$15,000)~~ **(\$75,000)** are adequate
18 compensation for the bodily injury allegedly caused by the health
19 care provider's malpractice; and
20 (2) later learns, during the pendency of the action, that the bodily
21 injury is more serious than previously believed and that ~~fifteen~~
22 **seventy-five** thousand dollars ~~(\$15,000)~~ **(\$75,000)** is insufficient
23 compensation for the bodily injury;
24 may move that the action be dismissed without prejudice and, upon

1 dismissal of the action, may file a proposed complaint subject to
2 section 4 of this chapter based upon the same allegations of malpractice
3 as were asserted in the action dismissed under this subsection. In a
4 second action commenced in court following the medical review
5 panel's proceeding on the proposed complaint, the patient may recover
6 an amount greater than ~~fifteen~~ **seventy-five** thousand dollars (~~\$15,000~~):
7 **(\$75,000)**. However, a patient may move for dismissal without
8 prejudice and, if dismissal without prejudice is granted, may
9 commence a second action under this subsection only if the patient's
10 motion for dismissal is filed within two (2) years after commencement
11 of the original action under subsection (a).

12 (c) If a patient:

- 13 (1) commences an action under subsection (a);
14 (2) moves under subsection (b) for dismissal of that action;
15 (3) files a proposed complaint subject to section 4 of this chapter
16 based upon the same allegations of malpractice as were asserted
17 in the action dismissed under subsection (b); and
18 (4) commences a second action in court following the medical
19 review panel proceeding on the proposed complaint;

20 the timeliness of the second action is governed by IC 27-12-7-1(c).

21 (d) A medical liability insurer of a health care provider against
22 whom an action has been filed under subsection (a) shall provide
23 written notice to the state health commissioner as required under
24 IC 27-12-9-2."

25 Renumber all SECTIONS consecutively.

(Reference is to HB 1286 as printed January 23, 1998.

Representative Kromkowski