

HB 118 -- STATUTORY CAUSE OF ACTION CLAIMS (Burlison)

COMMITTEE OF ORIGIN: Standing Committee on Civil and Criminal Proceedings

This bill changes the laws regarding claims arising out of the rendering or failure to render health care services by a health care provider. Currently, an action against a health care provider for rendering or failing to render health care services is a common law cause of action. The bill replaces the common law cause of action with a statutory cause of action for damages against a health care provider for personal injury or death arising out of the rendering of or failure to render health services. The elements of the statutory cause of action are that the health care provider failed to use that degree of skill and learning ordinarily used under the same or similar circumstances by similarly situated health care providers and that the failure proximately caused injury or death.