

HCS HB 452 -- ACTION AGAINST HEALTH CARE PROVIDERS

SPONSOR: Austin

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Litigation Reform by a vote of 9 to 3.

This bill creates a definition for the term "employee" and repeals the definition for the term "physician employee" in provisions relating to causes of action for damages against a health care provider for personal injury or death.

This bill is similar to SB 237 (2017).

PROPOSERS: Supporters say that the definition of employee in this bill will return to the original intent of the statute that a hospital should not be held vicariously liable for the negligent acts of an independent physician. A corporate entity will remain liable for the acts if its employee, but not for the acts of another corporate entity's employee. The provisions of this bill will save hospitals costs by lowering claims.

Testifying for the bill were Representative Austin; Angela Standish, BJC Healthcare; Missouri Chamber of Commerce and Industry; Missouri State Medical Association; Cox Health; Missouri Hospital Association; Missouri Organization of Defense Lawyers; and SSM Health Care.

OPPONENTS: Those who oppose the bill say that the bill would make it more difficult for injured patients to obtain remedies in court. The definition of employee is too narrow such that an individual health care provider could be solely responsible to a plaintiff if insurance coverage is denied.

Testifying against the bill was Amy Gunn, MATA.