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# **SB257**

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## Preserving Freedom with Honest Medical Malpractice Reform

## **SB257**

### **Preserving Freedom With Honest Malpractice Reform**

#### **Contents of SB257**

There are three major components to our SB257.

#### *Punitive Damages:*

- Lawsuits will be dismissed unless there is probable cause that damages were inflicted either intentionally or through gross negligence
- Proviso that establishes as prima facie evidence, of intent or gross negligence, as three (3) actionable incidents by the same provider in a twenty-four month period, which shall also be cause for Nevada Medical Board of Examiners to initiate action against provider
- Judge will consult with local board for guidance on gross negligence

#### *Actual Damages:*

- No requirement for intent to be proven
- Awards shall be determined by standardized table
- Pain and suffering may be awarded up to a maximum of ten percent of actual damages

#### *Database of Filings and Results:*

- Database accessible to the public, via the internet, containing records of all filings for malpractice and their corresponding results

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## Chapter Two

### Why Reform?

This SB257 addresses the following needs:

- Preserving the purpose of punitive damages which is to punish those who intentionally or through gross negligence inflict harm upon innocent citizens in a vulnerable position
- Weeds out incompetent physicians by establishing honest rules to prove gross negligence, as in three (3) occurrences of actionable incidents by a provider within a 24 month period, regardless of intent
- Establishes a judicial decision tantamount to a probable cause hearing, prior to a jury hearing case for punitive damages
- No longer requires intent to be proven for actual damages (if a patient suffers due to an unintentional mistake by a physician they will be compensated for the actual damage)
- Actual damage awards will be determined by standardized table minimizing the delay in citizens receiving compensation & reducing attorney's fees
- Pain & Suffering will be awarded in actual damages up to a maximum of ten (10) percent

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# Chapter Three

## Impact

The Council Of Nevada Veterans Organizations and Seniors United, as well as many other groups and citizens have proudly endorsed this effort .

### *Patients:*

- Reduced cost of healthcare as medical malpractice insurance rates will decline
- Higher quality of healthcare as incompetent physicians will have their past errors considered in determining whether punitive damages are considered
- Accessibility of information contained in the aforementioned public database enabling the freedom to exercise the right to make an informed choice of physician
- Need to hire attorneys will be greatly diminished as actual damages will be determined from a standardized table
- Reduction in court time to collect damages

### *Doctors:*

- Reduction in medical malpractice insurance premiums
- Minimize loss of time caring for patients by separating unintentional errors from intentional or gross negligence
- Minimizing attorneys' fees
- Reduction in stress from frivolous claims

### *Hospitals:*

- Reduction in malpractice insurance premiums
- Requirement of fewer providers per patient as they will be able to spend more time with patients and less time defending lawsuits
- Ability to attract high quality physicians

- Ability to better utilize emergency rooms & hospital beds

*Taxpayers:*

- Reduction in need for higher property tax rates due to budgets of county hospitals
- Less court cases will significantly reduce need for expanded court facilities, judges, and court staff
- Reduction in county expenses for medical care for indigents

*Insurance Companies:*

- Reduction in expenses with standardized table for actual damages
- Reduction in actuarial workload with establishment of database