

**COMMITTEE ON THE JUDICIARY  
FULL COMMITTEE MARKUP  
FEBRUARY 9, 2011**

**AMENDMENT ROSTER**

**H.R. 5, the “Help Accessible, Efficient, Low-cost, Timely Healthcare (HEALTH) Act”**

*The HEALTH Act contains comprehensive federal tort reform for health care lawsuits*

<b>No.</b>	<b>Sponsor</b>	<b>Description</b>	<b>Results</b>
1.	<b>Conyers (MI)</b>	Exempts claims based on intentional tort liability from the bill’s limits. (HRB_102)	
2.	<b>Waters (CA)</b>	Excludes medical products that are defective as result of negligence in the manufacture or distribution of the product from the bill’s punitive damage exemption for products that comply with FDA Standards. (HRB_111)	
3.	<b>Nadler (NY)</b>	Adds section regarding “Restrictions on Protective Orders and Sealing of Cases and Settlements.” (JWG_020)	
4.	<b>Nadler (NY)</b>	Increases the bill’s \$250,000 cap to \$1,977,500 and indexes it to the Consumer Price Index. (JWG_012)	
6.	<b>Sanchez (CA)</b>	Adds section exempting nursing homes from limitation of damages. (HRB_104)	
7.	<b>Chu (CA) Conyers (MI) Johnson (GA)</b>	Adds section applying antitrust laws to health sector insurers. (HRB_105)	
8.	<b>Wasserman Schultz (FL) Johnson (GA)</b>	Adds section exempting actions by minors from limitations of damages. (HRB_106)	
9.	<b>Wasserman Schultz (FL) Johnson (GA)</b>	Changes the timeframe related to the manifestation or discovery of an injury related to a minor. (HRB_107)	
10.	<b>Wasserman Schultz (FL) Johnson (GA)</b>	Combines Amendment #8 and Amendment #9. (HRB_108)	
11.	<b>Jackson Lee (TX)</b>	Adds section exempting health care lawsuits for irreversible injury. (HRB_109)	
12.	<b>Cohen (TN)</b>	Adds section exempting from damage limitations lawsuits related to a foreign object being left inside a patient or performing a procedure on the wrong patient or body part. (HRB_110)	

13.	<b>Scott (VA)</b>	Strikes provision establishing a Fair Share rule. (JWG_017)	
14.	<b>Scott (VA)</b>	Strikes the bill's provisions relating to the collateral source rule, including the definition of "collateral source benefits." (JWG_021)	
15.	<b>Quigley (IL)</b>	Strikes punitive damage exemption for products that comply with FDA Standards. (JWG_016)	
16.	<b>Johnson (GA)</b>	Strikes references to State, Federal or ADR court/systems and replaces with "Federal Court." (JWG_013)	
17.	<b>Johnson (GA)</b>	Excludes Act from preempting applicable State constitutional provisions. (HRB_101)	
18.	<b>Johnson (GA)</b>	Strikes provisions applying the Act to health care organizations and manufacturers, distributors, suppliers, marketers, promoters and sellers of medical products. (HRB_103)	
19.	<b>Deutch (FL)</b>	Applies H.R. 5 to suits by health care providers, health care organizations, and pharmaceutical and device manufacturers. (HRB_113)	
20.	<b>Berman (CA) Chu (CA)</b>	Prevents H.R. 5 from applying in a state until that state's medical and insurance regulators establish reporting requirements regarding health care claims and medical disciplinary actions. (BERMAN_150)	
21.	<b>Waters (CA)</b>	Exempts claims involving preexisting condition exclusions from the bill. (HRB_114)	
22.	<b>Waters (CA)</b>	Amends the McCarran-Ferguson Act to clarify the application of antitrust laws to medical malpractice insurers (similar to H.R. 4626, 111th Congress.) (WATERS_006)	
23.	<b>Waters (CA)</b>	Strikes exemption from punitive damages for medical products that are generally recognized among qualified experts as safe and effective pursuant to conditions and regulations established by the Food and Drug Administration. (WATERS_146)	
24.	<b>Waters (CA)</b>	Provides for punitive damages in cases in which a medical product that otherwise complies with FDA standards is defective as a result of negligence in the manufacture or distribution of that product. (HRB_111)	
25.	<b>Waters (CA)</b>	Allows for unlimited non-economic damages in cases brought for a catastrophic injury, a vegetative state, or death. (WATERS_145)	

<b>26.</b>	<b>Jackson Lee (TX)</b>	Adds section requiring liability insurers to file a report with the Attorney General if they increase liability premiums in a year in which the number of health care lawsuits or the amount of damages in such lawsuits decrease. (HRB_112)	
<b>27.</b>	<b>Nadler (NY)</b>	Indexes the bill's \$250,000 cap to the Consumer Price Index. (JWG_012)	