

AMENDMENT
OFFERED BY MR. LINDER OF GEORGIA
(Amendment drafted to AAHCA09_001)

Add at the end of section 204(b) of division A the following new paragraph:

- 1 (9) MEDICAL LIABILITY PROTECTIONS.—
- 2 (A) IN GENERAL.—As part of the contract
- 3 of the entity to offer health insurance coverage
- 4 in the Health Insurance Exchange, the entity
- 5 shall certify, in a manner approved by the Sec-
- 6 retary of the Treasury, that the entity is only
- 7 enrolling participants who reside in States with
- 8 malpractice rules substantially similar to the
- 9 malpractice rules of the State of California as
- 10 of the date of enactment of this Act, including
- 11 a cap on non-economic damages of \$250,000
- 12 and a statute of limitations.
- 13 (B) STATE FLEXIBILITY.—No provision of
- 14 this title shall be construed to preempt—
- 15 (i) any State law (whether effective
- 16 before, on, or after the date of the enact-
- 17 ment of this Act) that specifies a par-
- 18 ticular monetary amount of compensatory

1 or punitive damages (or the total amount
2 of damages) that may be awarded in a
3 health care lawsuit, regardless of whether
4 such monetary amount is greater or lesser
5 than is provided for under this title; or

6 (ii) any defense available to a party in
7 a health care lawsuit under any other pro-
8 vision of State or Federal law.

Add at the end of section 208(b) the following new
paragraph:

9 (6)
10 (~~3~~) The State-based Health Insurance Ex-
11 change only allows plans to participate if the enroll-
12 ees of the plan reside in a State with medical liabil-
ity requirements as described in section 204(b)(9).

