

SB96 INTRODUCED



1 1VH03L-1
2 By Senator Givhan
3 RFD: Judiciary
4 First Read: 21-Mar-23
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SYNOPSIS:

This bill would amend the Alabama Medical Liability Act of 1996 to provide that the term "health care provider" as used in that act and the Alabama Medical Liability Act of 1987 would include emergency medical services personnel and any emergency medical provider service.

A BILL
TO BE ENACTED
AN ACT

Relating to the Alabama Medical Liability Act of 1996; to amend Section 6-5-549.1 of the Code of Alabama 1975, to provide that the term "health care provider" as used in that act and the Alabama Medical Liability Act of 1987 would include emergency medical services personnel and any emergency medical provider service.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-5-549.1 of the Code of Alabama 1975, is amended to read as follows:

"§6-5-549.1

(a) This section and Sections 6-5-548 and 6-5-549 shall be known and may be cited as "The Alabama Medical Liability Act of 1996.""



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29 (b) The Legislature of the State of Alabama finds and
30 declares that a crisis continues to threaten the delivery and
31 availability of medical services to the people of Alabama and
32 the health and safety of the citizens of this state are in
33 jeopardy as a result of this crisis. In accordance with the
34 previous declarations of the Legislature of Alabama in
35 Sections 6-5-480 to 6-5-488, inclusive, 27-26-1 to 27-26-4,
36 inclusive, and 27-26-20 to 27-26-43, inclusive, and Sections
37 6-5-540 to 6-5-552, inclusive, it is the declared intent of
38 this Legislature to ensure that quality medical services
39 continue to be available at reasonable costs to the citizens
40 of the State of Alabama. The continuing and ever increasing
41 threat of legal actions for alleged medical injury causes and
42 contributes to an increase in health care costs and places a
43 heavy burden on those who can least afford such increases. The
44 threat of such actions contributes to the performance of
45 expensive medical procedures by physicians and other health
46 care providers which otherwise would not be considered
47 necessary. The spiraling cost and decreasing availability of
48 essential medical services caused by the threat of litigation
49 constitutes a danger to the health and safety of the citizens
50 of this state. This section and Sections 6-5-548 and 6-5-549
51 should be given effect immediately to help control the
52 spiraling cost of health care and to ~~insure~~ ensure its
53 continuing availability. Additionally, the increasing threat
54 of legal actions for alleged medical injury has resulted in a
55 continuing limitation on the number of physicians providing
56 specialized health care in this state. Because of the limited



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57 number of insurers offering professional liability coverage
58 and because of the prejudice to the rights of defendant health
59 care providers through the interjection of evidence of
60 insurance, the interest of all citizens will best be served by
61 prohibiting the introduction of evidence that a witness
62 testifying at trial is insured by the same insurer as the
63 defendant health care provider.

64 (c) For the purposes of this section and Sections
65 6-5-548 and 6-5-549, the terms used shall have the meanings
66 respectively ascribed to them in Section 6-5-542.
67 Notwithstanding the foregoing, for purposes of this section
68 and Sections 6-5-548 and 6-5-549, the term "health care
69 provider" shall include any licensed optometrist or licensed
70 chiropractor and the term "professional corporation" shall
71 include any optometric or chiropractic professional
72 corporation or optometric or chiropractic professional
73 association; and, for purposes of this section and Sections
74 6-5-548(a) and 6-5-549, the term "health care provider" shall
75 include any licensed podiatrist and the term "professional
76 corporation" shall include any podiatric professional
77 corporation or podiatric professional association; and for
78 purposes of this section and Sections 6-5-548 and 6-5-549, the
79 term "health care provider" shall include emergency medical
80 services personnel and any provider service as those terms are
81 defined in Section 22-18-1(11) and (20). However, subsection
82 (e) does not apply to licensed optometrists and optometric
83 professional corporations or licensed chiropractors and
84 chiropractic professional associations.



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85 (d) This section and Sections 6-5-548 and 6-5-549 are
86 intended to supplement "The Alabama Medical Liability Act,"
87 Act 513, 1975 Regular Session and "The Alabama Medical
88 Liability Act of 1987," Act 87-189, 1987 Regular Session and
89 the legislative intent stated therein.

90 (e) This section and Sections 6-5-548 and 6-5-549 apply
91 to all actions pending against health care providers at the
92 time of the effective date of the sections. Notwithstanding
93 the foregoing, this section shall not apply to an action filed
94 against a podiatrist prior to March 7, 2006."

95 Section 2. This act shall become effective on the first
96 day of the third month following its passage and approval by
97 the Governor, or its otherwise becoming law.