

HOUSE BILL No. 5684

February 20, 2002, Introduced by Reps. Woodward, Callahan, Gielegem, Drolet, Dennis, Hale, Jacobs, Mans, Bogardus, Clarke, Adamini and Lemmons and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 1483 (MCL 600.1483), as amended by 1993 PA
78.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1483. (1) In an action for damages alleging medical
2 malpractice by or against a person or party AND SUBJECT TO SUB-
3 SECTION (5), the total amount of damages for noneconomic loss
4 recoverable by all plaintiffs, resulting from the negligence of
5 all defendants, shall not exceed \$280,000.00 unless, as the
6 result of the negligence of 1 or more of the defendants, 1 or
7 more of the following exceptions apply as determined by the court
8 pursuant to section 6304, in which case damages for noneconomic
9 loss shall not exceed \$500,000.00:

1 (a) The plaintiff is hemiplegic, paraplegic, or quadriplegic
2 resulting in a total permanent functional loss of 1 or more limbs
3 caused by 1 or more of the following:

4 (i) Injury to the brain.

5 (ii) Injury to the spinal cord.

6 (b) The plaintiff has permanently impaired cognitive capac-
7 ity rendering him or her incapable of making independent, respon-
8 sible life decisions and permanently incapable of independently
9 performing the activities of normal, daily living.

10 (c) There has been permanent loss of or damage to a repro-
11 ductive organ resulting in the inability to procreate.

12 (2) In awarding damages in an action alleging medical mal-
13 practice, the trier of fact shall itemize damages into damages
14 for economic loss and damages for noneconomic loss.

15 (3) As used in this section, "noneconomic loss" means dam-
16 ages or loss due to pain, suffering, inconvenience, physical
17 impairment, physical disfigurement, or other noneconomic loss.

18 (4) The state treasurer shall adjust the limitation on dam-
19 ages for noneconomic loss set forth in subsection (1) by an
20 amount determined by the state treasurer at the end of each cal-
21 endar year to reflect the cumulative annual percentage change in
22 the consumer price index. As used in this subsection, "consumer
23 price index" means the most comprehensive index of consumer
24 prices available for this state from the bureau of labor statis-
25 tics of the United States department of labor.

1 (5) THE LIMITATION ON DAMAGES FOR NONECONOMIC LOSS IN
2 SUBSECTION (1) DOES NOT APPLY TO AN ACTION TO RECOVER DAMAGES AS
3 A RESULT OF A PERSON'S DEATH.