HB162 ENROLLED



1 G8YX6C-2

2 By Representatives Oliver, Hurst

3 RFD: Health

4 First Read: 21-Mar-23

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6 2023 Regular Session



1	Enrolled, An Act,
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4	A BILL
5	TO BE ENACTED
6	AN ACT
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8	Relating to the Alabama Medical Liability Act of 1996;
9	to amend Section 6-5-549.1 of the Code of Alabama 1975, to
10	provide that the term "health care provider" as used in that
11	act and the Alabama Medical Liability Act of 1987 would
12	include emergency medical services personnel and any emergency
13	medical provider service.
14	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
15	Section 1. Section 6-5-549.1 of the Code of Alabama
16	1975, is amended to read as follows:
17	" §6-5-549.1
18	(a) This section and Sections 6-5-548 and 6-5-549 shall
19	be known and may be cited as "The Alabama Medical Liability
20	Act of 1996."
21	(b) The Legislature of the State of Alabama finds and
22	declares that a crisis continues to threaten the delivery and
23	availability of medical services to the people of Alabama and
24	the health and safety of the citizens of this state are in
25	jeopardy as a result of this crisis. In accordance with the
26	previous declarations of the Legislature of Alabama in
27	Sections 6-5-480 to 6-5-488, inclusive, 27-26-1 to 27-26-4,
28	inclusive, and 27-26-20 to 27-26-43, inclusive, and Sections



29 6-5-540 to 6-5-552, inclusive, it is the declared intent of 30 this Legislature to ensure that quality medical services 31 continue to be available at reasonable costs to the citizens 32 of the State of Alabama. The continuing and ever increasing 33 threat of legal actions for alleged medical injury causes and 34 contributes to an increase in health care costs and places a 35 heavy burden on those who can least afford such increases. The 36 threat of such actions contributes to the performance of 37 expensive medical procedures by physicians and other health care providers which otherwise would not be considered 38 39 necessary. The spiraling cost and decreasing availability of essential medical services caused by the threat of litigation 40 constitutes a danger to the health and safety of the citizens 41 of this state. This section and Sections 6-5-548 and 6-5-54942 43 should be given effect immediately to help control the spiraling cost of health care and to insure ensure its 44 continuing availability. Additionally, the increasing threat 45 46 of legal actions for alleged medical injury has resulted in a 47 continuing limitation on the number of physicians providing 48 specialized health care in this state. Because of the limited 49 number of insurers offering professional liability coverage 50 and because of the prejudice to the rights of defendant health 51 care providers through the interjection of evidence of 52 insurance, the interest of all citizens will best be served by 53 prohibiting the introduction of evidence that a witness 54 testifying at trial is insured by the same insurer as the defendant health care provider. 55

(c) For the purposes of this section and Sections

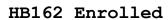
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- 6-5-548 and 6-5-549, the terms used shall have the meanings
- respectively ascribed to them in Section 6-5-542.
- Notwithstanding the foregoing, for purposes of this section
- and Sections 6-5-548 and 6-5-549, the term "health care"
- 61 provider" shall include any licensed optometrist or licensed
- 62 chiropractor and the term "professional corporation" shall
- include any optometric or chiropractic professional
- 64 corporation or optometric or chiropractic, professional
- association; and, for purposes of this section and Sections
- 66 6-5-548(a) and 6-5-549, the term "health care provider" shall
- 67 include any licensed podiatrist and the term "professional"
- 68 corporation" shall include any podiatric professional
- 69 corporation or podiatric professional association; and for
- 70 purposes of this section and Sections 6-5-548 and 6-5-549, the
- 71 term "health care provider" shall include emergency medical
- 72 services personnel and any provider service as those terms are
- 73 defined in Section 22-18-1(11) and (20). However, subsection
- 74 (e) does not apply to licensed optometrists and optometric
- 75 professional corporations or licensed chiropractors and
- 76 chiropractic professional associations.
- 77 (d) This section and Sections 6-5-548 and 6-5-549 are
- 78 intended to supplement "The Alabama Medical Liability Act,"
- 79 Act 513, 1975 Regular Session and "The Alabama Medical
- 80 Liability Act of 1987," Act 87-189, 1987 Regular Session and
- 81 the legislative intent stated therein.
- 82 (e) This section and Sections 6-5-548 and 6-5-549 apply
- 83 to all actions pending against health care providers at the
- 84 time of the effective date of the sections. Notwithstanding



85	the foregoing, this section shall not apply to an action filed				
86	against a podiatrist prior to March 7, 2006."				
87	Section 2. This act shall become effective on the first				
88	day of the third month following its passage and approval by				
89	the Governor, or its otherwise becoming law.				





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93		Speaker of the House of	Representatives			
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98		President and Presiding Off	icer of the Senate			
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101		House of Representatives				
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103	-	I hereby certify that the within Act originated in and				
104		ssed by the House 11-Apr-23.				
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106		Joi	hn Treadwell			
107		Cl	erk			
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115	Senate	25-Apr-23	Passed			