

113TH CONGRESS
1ST SESSION

H. R. 1473

To prevent certain Federal health care laws from establishing health care provider standards of care in medical malpractice cases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2013

Mr. GINGREY of Georgia (for himself and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent certain Federal health care laws from establishing health care provider standards of care in medical malpractice cases, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Standard of Care Pro-
5 tection Act of 2013”.

1 **SEC. 2. CONSTRUCTION REGARDING HEALTH CARE PRO-**
2 **VIDER STANDARDS OF CARE.**

3 (a) IN GENERAL.—The development, recognition, or
4 implementation of any guideline or other standard under
5 any Federal health care provision shall not be construed
6 to establish the standard of care or duty of care owed by
7 a health care provider to a patient in any medical mal-
8 practice case.

9 (b) DEFINITIONS.—For purposes of this Act:

10 (1) The term “Federal health care provision”
11 means any provision of the Patient Protection and
12 Affordable Care Act (Public Law 111–148) and the
13 amendments made by that Act, and titles XVIII and
14 XIX of the Social Security Act.

15 (2) The term “medical malpractice case” means
16 a medical malpractice action or claim (as defined in
17 section 431(7) of the Health Care Quality Improve-
18 ment Act of 1986 (42 U.S.C. 11151(7))).

19 (3) The term “State” includes the District of
20 Columbia, Puerto Rico, and any other common-
21 wealth, possession, or territory of the United States.

22 (c) NO PREEMPTION.—No provision of the Patient
23 Protection and Affordable Care Act (Public Law 111–
24 148) or the amendments made by that Act shall be con-

- 1 strued to preempt any State law governing medical profes-
- 2 sional liability cases.

