

## H. Res. \_\_

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### **H.R. 1215 - Protecting Access to Care Act of 2017**

1. Structured rule.
2. Provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.
3. Waives all points of order against consideration of the bill.
4. Makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-10 and provides that it shall be considered as read.
5. Waives all points of order against that amendment in the nature of a substitute.
6. Makes in order only those further amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.
7. Waives all points of order against the amendments printed in the report.
8. Provides one motion to recommit with or without instructions.

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## RESOLUTION

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1215) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-10. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

## SUMMARY OF AMENDMENTS PROPOSED TO BE MADE IN ORDER

(summaries derived from information provided by sponsors)

<b>Sponsor</b>	<b># Description</b>	<b>Debate Time</b>
<b>1. Sessions (TX), Burgess (TX)</b>	#24 <b>(LATE)</b> Begins the tolling of the statute of limitations on the date of the alleged breach or tort, rather than the date of the injury, which is not always a date certain. The statute of limits will be three years after the alleged breach or one year after the claimant discovers the breach, whichever occurs first.	(10 minutes)
<b>2. Burgess (TX), Sessions (TX)</b>	#20 <b>(LATE)</b> Clarifies that health care services as defined in H.R. 1215 include safety, professional, and administrative services directly related to health care.	(10 minutes)
<b>3. Roe (TN), Hudson (NC), Marshall (KS), Bucshon (IN)</b>	#15 <b>(REVISED)</b> Limits who qualifies as an expert witness, in medical malpractice negligence cases, based on professional qualifications as well as geographic relation to where the case in chief is being litigated.	(10 minutes)
<b>4. Hudson (NC), Abraham (LA), Harris (MD), Roe (TN), Marshall (KS), Bucshon (IN), DesJarlais (TN)</b>	#6 <b>(REVISED)</b> Allows a physician to apologize to a patient for an unintended outcome without having the apology count against them in the court of law. Defers to the state law where "sorry provisions" are already in statute. Requires a plaintiff to provide a notice of intent to the physician 90 days before the lawsuit is filed. Defers to state laws that directly address Notices of Intent. Requires a plaintiff to have a physician in the same specialty as the defendant physician to sign an affidavit certifying the merits of the case before the lawsuit could be brought to court. Defers to state laws that directly address Affidavits of Merit. Requires that for any "expert witness" called to testify during trial, the witness would need to meet the same licensing requirements as the defendant physician. Defers to state laws that directly address Expert Witness Qualifications.	(10 minutes)
<b>5. Barr (KY)</b>	#17 <b>(REVISED)</b> Gives affirmative defense to defendants in health care liability cases if they can show they complied with clinical practice guidelines.	(10 minutes)