111TH CONGRESS
2D SESSION
H. R. 5243

To amend the Patient Protection and Affordable Care Act to clarify that the Act does not affect standards or procedures in medical malpractice actions.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2010

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

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A BILL

To amend the Patient Protection and Affordable Care Act to clarify that the Act does not affect standards or procedures in medical malpractice actions.

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. CONSTRUCTION REGARDING PPACA NOT AF-**

4 **FECTING STANDARDS OR PROCEDURES IN**

5 **MEDICAL MALPRACTICE ACTIONS.**

6 The Patient Protection and Affordable Care Act

7 (Public Law 111–148) is amended by inserting after sec-

1 tion 3512 the following new section (and by inserting a

2 corresponding item in the table of contents of such Act):

3 **"SEC. 3513. CONSTRUCTION REGARDING STANDARD OF**

4   **CARE.**

5   ''(a) IN GENERAL.—The development, recognition, or

6 implementation of any guideline or other standard under

7 any provision of this Act shall not be construed to estab-

8 lish the standard of care or duty of care owed by health

9 care providers to their patients in any medical malpractice

10 action or claim (as defined in section 431(7) of the Health

11 Care Quality Improvement Act of 1986 (42 U.S.C.

12 11151(7)).

13   ''(b) SAVINGS CLAUSE FOR STATE MEDICAL MAL-

14 PRACTICE LAWS.—Nothing in this Act or the amendments

15 made by this Act shall be construed to modify or impair

16 State law governing legal standards or procedures used

17 in medical malpractice cases, including the authority of

18 a State to make or implement such law.''.

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