

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 226

Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to examine medical malpractice liability. In 1976, the Legislature passed the Nebraska Hospital-Medical Liability Act. The act included several provisions to protect doctors and hospitals from exposure to litigation for medical negligence, including limitations on the damages recoverable by those harmed by medical mistakes and elimination of the right to trial by jury. Over the three decades since the act was adopted, the Legislature has not studied the impact that the act has had on those persons who have been injured by medical negligence. The Legislature should study the impact that the provisions of the act have had on victims, including, but not limited to, (1) whether the limitations on damages have unfairly shifted the costs of medical negligence to the victims of medical negligence and to the state or political subdivisions, (2) the impact on the lives of persons whose damages exceeded the limitations, (3) whether the cap on damages has kept pace with inflation and medical cost inflation, (4) whether the denial of trial by jury has negatively impacted victims of medical mistakes, and (5) whether the limitation on damages has provided unfair negotiating leverage for insurance carriers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE

HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.