

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: S3/21/13 S3/25/13 H4/3/13*
89th General Assembly **A Bill**
Regular Session, 2013

SENATE BILL 1162

By: Senator J. Dismang

For An Act To Be Entitled

AN ACT TO SUBSUME VARIOUS CAUSES OF ACTION FOR HEALTH
*CARE INJURIES AGAINST A MEDICAL CARE PROVIDER UNDER A
SINGLE REMEDY; AND FOR OTHER PURPOSES.*

Subtitle

TO SUBSUME VARIOUS CAUSES OF ACTION FOR
HEALTH CARE INJURIES UNDER A SINGLE
REMEDY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Intent – Limitation.

(a) This act is intended to ensure that:

(1) A person who suffers a medical injury has the opportunity to seek compensation to return to the state of health that he or she enjoyed before the medical injury; and

(2) For any one (1) medical injury, a person is not compensated more than once.

(b) This act is not intended to affect punitive damages.

SECTION 2. Arkansas Code § 16-114-201(1), concerning definitions for actions for medical injury, is amended to read as follows:

(1) “Action for medical injury” means ~~any action~~ all actions against a medical care provider, whether based in tort, contract, or otherwise, to recover damages on account of medical injury as defined in § 16-114-201;



SECTION 3. Arkansas Code § 16-114-201(3), concerning definitions for actions for medical injury, is amended to read as follows:

(3) "Medical injury" or "injury" means any adverse consequences arising out of or sustained in the course of the professional services being rendered by a medical care provider to a patient or resident, whether resulting from negligence, error, or omission in the performance of such services; or from rendition of such services without informed consent or in breach of warranty or in violation of contract; or from failure to diagnose; or from premature abandonment of a patient or of a course of treatment; or from failure to properly maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.

SECTION 4. Arkansas Code Title 16, Chapter 114, Subchapter 2, is amended to add an additional section to read as follows:

16-114-213. Sole remedy.

This subchapter is the sole remedy with respect to any action for medical injury against a medical care provider.

SECTION 5. Arkansas Code § 20-10-1209(a)(1), concerning civil enforcement for the protection of long-term care facility residents, is amended to read as follows:

(a)(1) Any resident who is injured by a deprivation or infringement of his or her rights as specified in this subchapter may bring a cause of action under § 16-114-201 et seq., against any licensee responsible for the deprivation or infringement.

SECTION 6. Arkansas Code § 20-10-1209, concerning civil enforcement for the protection of long-term care facility residents, is amended to add an additional subsection to read as follows:

(d)(1) A deprivation or infringement of rights under this subchapter does not itself create an additional cause of action.

(2) However, a deprivation or infringement of rights under this subchapter may be used as evidence of negligence.

/s/J. Dismang