

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

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House Bill Number 351

Legislative Action:

Introduced by: Charles Shafaieh

House Committee: \_\_\_\_\_

Authored by: Charles Shafaieh

House: \_\_\_\_\_

Senate Committee: \_\_\_\_\_

Senate: \_\_\_\_\_

Delegation: Southwestern Montana Family YMCA

Governor: \_\_\_\_\_

Referred to Committee: House Judiciary Committee

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1 A BILL FOR AN ACT ENTITLED: "AN ACT TO CAP THE SUM OF MONEY AWARDED  
2 TO THE PROSECUTOR IN A MEDICAL MALPRACTICE LAWSUIT"

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4 BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

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6 **Section 1.** Medical malpractice can be defined as an occurrence in which a patient suffers  
7 unnecessary injury or death as a result of a negligent or incompetent action by a medical professional.  
8 Examples include: failure to diagnose or the misdiagnosis of a disease, condition, or other medical  
9 problem, failure to provide medically appropriate treatment, surgical error, or unreasonable delay in  
10 treating a disease, condition, or other medical problem.

11 **Section 2.** A "malpractice lawsuit" can be defined as any case brought to a court of law in which  
12 a medical professional is tried for misconduct or error in his/her treatment, resulting in the further harm or  
13 death of the patient.

14 **Section 3.** The plaintiff in a malpractice lawsuit may not claim a fine exceeding that of \$300,000.

15 **Section 4.** In any malpractice lawsuit, fines to the medical professional will be awarded to the  
16 plaintiff if the professional is found guilty, in a value compensating the believed worth corresponding to  
17 the case in hand, but not exceeding a sum of \$300,000.

18 **Section 5.** The medical professional, if found liable in a malpractice lawsuit, shall be obligated to  
19 pay all costs incurred to the plaintiff from all procedures and/or medications (if any) that resulted in their  
20 further harm and/or death, but only those procedures and/or medications (if any) directly related to the  
21 cause of the suit.

22 **Section 6.** This bill will go into effect immediately upon passage.

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24 **-end-**

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