

Amend **CSHB 4**, ARTICLE 10 as follows:

On page 54, line 19 through page 55, line 13, strike SECTION 10.10 and substitute a new SECTION 10.10 to read as follows:

SECTION 10.10. Section 11.03, Medical Liability and Insurance Improvement Act (Article 4590i, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11.03. LIMIT ON DAMAGES. ~~[ALTERNATIVE PARTIAL LIMIT ON CIVIL LIABILITY]. [In the event that Section 11.02(a) of this subchapter is stricken from this subchapter or is otherwise invalidated by a method other than through legislative means, the following shall become effective:]~~ (a) Except as provided in Subsections (b) and (c), in an action on a health care liability claim where final judgment is rendered against a physician or health care provider, the limit of civil liability of each physician or health care provider for noneconomic damages shall be limited to an amount not to exceed \$250,000.

(b) The limitation set forth in subsection (a) of this section shall not apply to a health care liability claim against a physician or health care provider if that physician or health care provider:

(1) was impaired by alcohol or drugs during the time relevant to the health liability claim;

(2) was disciplined or reprimanded by the Texas State Board of Medical Examiners for alcohol or drug abuse with five years of the relevant health care liability claim;

(3) has paid or caused to be paid, by way of judgment or settlement, compensation in two or more health care liability claims in the twelve months preceding the filing of the relevant health care liability claim; or

(4) has paid or caused to be paid, by way of judgment or settlement, compensation in ten or more health care liability claims.

(c) The limitation set forth in Subsection (a) does not apply to a health care liability claim against a hospital that has paid a criminal penalty or fine of civil fine or settlement relating to

Medicare or Medicaid fraud within five years of the incident giving rise to the relevant health care liability claim.