To prevent certain Federal health care laws from establishing health care provider standards of care in medical malpractice cases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2013

Mr. GINGREY of Georgia (for himself and Mr. CUÉLLAR) 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

A BILL

To prevent certain Federal health care laws from establishing health care provider standards of care in medical malpractice cases, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Standard of Care Pro-
tection Act of 2013”.

SEC. 2. CONSTRUCTION REGARDING HEALTH CARE PROVIDER STANDARDS OF CARE.

(a) In general.—The development, recognition, or implementation of any guideline or other standard under any Federal health care provision shall not be construed to establish the standard of care or duty of care owed by a health care provider to a patient in any medical malpractice case.

(b) Definitions.—For purposes of this Act:

(1) The term “Federal health care provision” means any provision of the Patient Protection and Affordable Care Act (Public Law 111–148) and the amendments made by that Act, and titles XVIII and XIX of the Social Security Act.

(2) The term “medical malpractice case” means a medical malpractice action or claim (as defined in section 431(7) of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11151(7))).

(3) The term “State” includes the District of Columbia, Puerto Rico, and any other commonwealth, possession, or territory of the United States.

(c) No Preemption.—No provision of the Patient Protection and Affordable Care Act (Public Law 111–148) or the amendments made by that Act shall be con-
strued to preempt any State law governing medical professional liability cases.