

**SUBSTITUTE FOR
SENATE BILL NO. 1158**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 1483 (MCL 600.1483), as amended by 2012 PA 608.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1483. (1) In a claim for damages alleging medical
2 malpractice by or against a person or party, the total amount of
3 damages for noneconomic loss recoverable by all plaintiffs,
4 **including an individual making a claim under section 2922,**
5 resulting from the medical malpractice of all defendants, ~~shall~~
6 **must** not exceed ~~\$280,000.00~~ **\$1,250,000.00** unless, as the result of
7 the ~~negligence~~ **medical malpractice** of 1 or more of the defendants,
8 1 or more of the following exceptions apply as determined by the
9 court ~~pursuant to~~ **under** section 6304, in which case damages for



1 noneconomic loss ~~shall~~**must** not exceed ~~\$500,000.00~~**\$2,500,000.00**:

2 (a) The plaintiff is **functionally** hemiplegic, paraplegic, or
3 quadriplegic ~~resulting in a total permanent~~**or suffers from**
4 functional loss of 1 or more limbs. ~~caused by 1 or more of the~~
5 ~~following~~:

6 ~~(i) Injury to the brain.~~

7 ~~(ii) Injury to the spinal cord.~~

8 (b) The plaintiff has permanently impaired cognitive capacity
9 ~~rendering him or her incapable of making independent, responsible~~
10 ~~life decisions and~~**or is** permanently incapable of independently
11 performing the activities of normal, daily living.

12 (c) There has been permanent loss of or damage to a
13 reproductive organ. ~~resulting in the inability to procreate.~~

14 **(d) The plaintiff died.**

15 **(e) The plaintiff suffered loss of significant body function.**

16 (2) In awarding damages in an action alleging medical
17 malpractice, the trier of fact shall itemize damages into damages
18 for economic loss and damages for noneconomic loss.

19 ~~(3) As used in this section, "noneconomic loss" means damages~~
20 ~~or loss due to pain, suffering, inconvenience, physical impairment,~~
21 ~~or physical disfigurement, loss of society and companionship,~~
22 ~~whether claimed under section 2922 or otherwise, loss of~~
23 ~~consortium, or other noneconomic loss.~~**Any limitation on the**
24 **recovery of damages in subsection (1) does not apply to actions or**
25 **claims in which the trier of fact determines by a preponderance of**
26 **the evidence that any of the following exist:**

27 (a) The conduct of a defendant amounts to gross negligence,
28 intentional conduct, fraudulent conduct, or reckless disregard for
29 the rights of others.



(b) A defendant falsified, destroyed, purposely concealed, or materially altered the medical records relating to the claim or conduct at issue. As used in this subdivision, "materially altered" means intentionally placed misleading or inaccurate information in the patient's medical record or chart.

(4) Beginning ~~April 1, 1994,~~ **the effective date of the amendatory act that added subsection (5),** the state treasurer shall adjust the ~~limitations~~**limitation** on damages for noneconomic loss ~~set forth in subsection (1) by amounts~~**an amount** determined by the state treasurer at the end of each calendar year to reflect the cumulative annual percentage change in the ~~consumer price index.~~ **Consumer Price Index.** As used in this subsection, ~~"consumer price index"~~**"Consumer Price Index"** means the most comprehensive index of consumer prices available for this state from the ~~bureau of labor statistics~~**Bureau of Labor Statistics** of the United States ~~department of labor.~~**Department of Labor.**

(5) As used in this section, "noneconomic loss" means damages or loss due to pain, suffering, inconvenience, physical impairment, or physical disfigurement, loss of society and companionship, whether claimed under section 2922 or otherwise, loss of consortium, or other noneconomic loss.

