

ASSEMBLY, No. 3426

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Assemblymen Wirths and Space

SYNOPSIS

Caps noneconomic damages in medical malpractice actions at \$250,000.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning medical malpractice liability and
2 supplementing Title 2A of the New Jersey Statutes.

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4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. In any action for injury against a health care provider
8 based on professional negligence, the injured plaintiff shall not be
9 entitled to recover noneconomic damages exceeding \$250,000 to
10 compensate for pain, suffering, inconvenience, physical
11 impairment, disfigurement and other nonpecuniary damage.

12 b. As used in this section:

13 "Health care provider" means any person licensed in this State to
14 practice medicine and surgery, chiropractic, podiatry, dentistry,
15 optometry, psychology, pharmacy, nursing, physical therapy or as a
16 bioanalytical laboratory director, or a hospital or other health care
17 facility.

18 "Professional negligence" means a negligent act or omission to
19 act by a health care provider in the rendering of professional
20 services, which act or omission is the proximate cause of a personal
21 injury or wrongful death, provided that the services are within the
22 scope of services for which the health care provider is licensed and
23 which are not within any restriction imposed by the licensing board
24 or licensed hospital.

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26 2. This act shall take effect immediately, and shall apply to all
27 actions accruing on or after the effective date of this act.

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30 STATEMENT

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32 This bill limits the liability of health care providers to an injured
33 plaintiff for pain and suffering, also known as noneconomic
34 damages, to \$250,000.