

## 1 HOUSE BILL NO. 614

2 INTRODUCED BY A. WITTICH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE PATIENT COMPENSATION SYSTEM  
5 STUDY COMMITTEE; ESTABLISHING MEMBERSHIP REQUIREMENTS AND DUTIES FOR THE COMMITTEE;  
6 PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **NEW SECTION. Section 1. Patient compensation system study committee -- members -- duties.**

11 (1) There is a patient compensation system study committee to evaluate whether a system to compensate  
12 individuals for injury or death caused by a health care provider or health care facility should be established in  
13 Montana as an exclusive remedy for injury or death related to the medical care provided to a patient.

14 (2) The committee consists of nine members appointed no later than May 30, 2015, as follows:

15 (a) two members of the Montana senate, one appointed by the senate president and one appointed by  
16 the senate minority leader;

17 (b) two members of the Montana house of representatives, one appointed by the speaker of the house  
18 and one appointed by the house minority leader; and

19 (c) five members of the public appointed by the senate president.

20 (3) The public members must be selected as follows:

21 (a) a representative of the Montana medical legal panel provided for in 27-6-104;

22 (b) a representative of a statewide organization representing Montana physicians;

23 (c) a representative of a statewide organization representing Montana hospitals;

24 (d) a patient advocate; and

25 (e) a representative of a private workers' compensation insurer.

26 (4) The senate president shall appoint the presiding officer of the committee.

27 (5) The committee shall hold six 2-day meetings in Helena.

28 (6) Committee members are entitled to compensation and reimbursement of expenses as provided in  
29 5-2-302.

30 (7) The legislative services division shall provide staff assistance to the committee.

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2           NEW SECTION. Section 2. Committee duties -- reporting. (1) The committee shall:

3           (a) review Montana's existing system for handling claims involving medical malpractice, including but  
4 not limited to the use and results of the review process established under the Montana Medical Legal Panel Act  
5 authorized in Title 27, chapter 6;

6           (b) review proposals and related research for patient compensation systems under consideration in other  
7 states;

8           (c) determine to the extent possible whether a patient compensation system may reduce the number of  
9 medical malpractice claims and the practice of defensive medicine;

10           (d) determine whether any statutory or constitutional barriers exist to establishing a patient compensation  
11 system;

12           (e) if barriers are identified, propose potential solutions for overcoming the barriers;

13           (f) consider the optimal structure for a patient compensation system, including but not limited to the  
14 review, payment, and appeals processes for claims made under the system; and

15           (g) identify potential funding sources for a patient compensation system, including but not limited to fees  
16 to be paid by health care providers who participate in the system.

17           (2) The committee shall include interested parties in its study activities, including but not limited to health  
18 care providers, attorneys, medical malpractice insurers, and the Montana medical legal panel.

19           (3) The committee shall prepare a final report of its findings, conclusions, and recommendations and  
20 submit the final report to the governor and the 65th legislature as provided in 5-11-210.

21           (4) If members determine that a patient compensation system would provide an appropriate alternative  
22 to Montana's current system for handling medical malpractice claims, the committee shall prepare legislation for  
23 consideration by the 65th legislature.

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25           NEW SECTION. Section 3. Appropriation. There is appropriated \$31,250 from the general fund to the  
26 legislative services division for the biennium beginning July 1, 2015, to support the activities of the patient  
27 compensation system study committee established in [section 1].

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29           NEW SECTION. Section 4. Effective dates. (1) Except as provided in subsection (2), [this act] is  
30 effective on passage and approval.

1 (2) [Section 3] is effective July 1, 2015.

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