

Committee: Insurance

RESOLUTION

Limit Lawsuit Awards against Long Term Health Care Facilities

A RESOLUTION TO: Protect Access to Quality Long Term Care Facilities in Texas.

WHEREAS, In 2000, Texas had an average frequency of 1.3 claims per facility, this number is the second highest frequency of claims in the country, and

WHEREAS, Large jury awards have prompted insurers to settle claims out of court with little regard to the merit of the claim. The resulting effect of this is that only two insurers carrying liability insurance remain in Texas, and now, therefore be it

*RESOLVED*, That the 9<sup>th</sup> Texas Silver-Haired Legislature requests the 78<sup>th</sup> Texas Legislature establish laws providing:

- \$250,000 non-economic damage cap injury verdicts against providers.
- Require the felonious conduct exception to exemplary damages to be a proven felony in a criminal court of law.
- Reduce exemplary damages to a cap of \$250,000 plus two times economic damages.
- Limit contingency fees that personal injury lawyers may collect, setting up a sliding scale for fees according to the amount of recovery, judgment or settlement.

PASSED AND APPROVED on September 18, 2002, by the Insurance Committee.

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Oscar Garcia, Chairman

PASSED AND APPROVED on September 19, 2002, by the Texas Silver-Haired Legislature.

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Chris Kyker, Speaker

ATTEST:

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Jean McCloud, Secretary