

**Hall of the House of Representatives**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 1213**

"AN ACT TO ADDRESS INSURANCE COVERAGE FOR NURSING HOME PATIENTS  
AND PERSONAL INJURY CLAIMS AGAINST NURSING HOMES. "

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**Amendment No. 1 to House Bill No. 1213.**

Amend House Bill No. 1213 as originally introduced:

Add Representative Borhauer as a cosponsor of the bill

AND

Add Senator Wilkins as a Senate cosponsor of the bill

AND

Page 2, delete lines 4 and 5 and substitute the following:

"facilities and their patients."

AND

Page 2, delete line 9 and substitute the following:

"claims and judgments against participating facilities. Each"

AND

Page 2, delete line 20 and substitute the following:

"(c) Only claims or judgments arising from a wrongful"

AND

Page 3, line 36 delete "claims," and substitute "claims or"

AND

Page 4, line 1, delete "or arbitral awards"

AND



Page 6, delete line 6 and substitute the following:  
“claims or judgments, such surcharge not to exceed two”

AND

Page 6, line 11, delete "for resolution" and substitute "for the timely resolution"

AND

Page 7, delete lines 17 through 21 and substitute the following:  
“according to generally accepted accounting principles. The board shall issue an annual financial report prepared and certified”

AND

Page 7, delete line 32 and substitute the following  
“satisfaction of claims and judgments pursuant to this”

AND

Page 10, delete lines 1 and 2 and substitute the following:  
“such facility. Fees and expenses incurred by”

AND

Page 10, delete line 14 and substitute the following:

“(b) The administrative process shall conclude not later than eight (8) months after the filing of the claim with the administrator; provided, that the parties may agree in a writing filed with the administrator for an extension of time not to exceed four (4) additional months. Upon the expiration of the term as provided herein or as agreed by the parties without a settlement or final order, the circuit court may extend the administrative process for a reasonable time or may direct that further proceedings be had in the circuit court.

(c) Upon notice that the claim has been approved or settled by the”

AND

Page 10, delete line 35 and substitute the following:  
“settle any claim against a participating facility”

AND

Page 11, delete line 2 and substitute the following:  
“modify or settle any such claim, or to consent to any award in an”

AND

Page 12, line 21, delete "party in" and substitute "party filed in"

AND

Page 12, delete lines 32 and 33 and substitute the following:  
“administrative order or a final judgment of a circuit court, shall be paid as follows:”

AND

Page 12, delete line 36 and substitute the following:  
“claim or action for injury accrued.”

AND

Page 13, delete lines 4 and 5 and substitute the following:  
“participating facility in effect when the claim or action for injury accrued, exclusive of fees and expenses. The fund shall not”

AND

Page 13, delete line 7 and substitute the following:  
“(b)(1) Claims or judgments which become final and”

AND

Page 13, line 9 delete “Claims, judgments or arbitral” and substitute “Claims or judgments”

AND

Page 13, line 10, delete the word “awards”

AND

Page 13, delete line 13 and substitute the following:  
“all claims and judgments which have become final and”

AND

Page 13, delete line 16 and substitute the following:  
“paid before the payment of claims or judgments which become”

AND

Page 13, line 18 delete “claim, judgment” and substitute “claim or judgment.”

AND

Page 13, line 19, delete “or arbitral award.”

AND

Page 13, delete line 20 and substitute the following:

“shall be paid on the unpaid balance of a claim or judgment”

AND

Page 15, line 11, delete “trial” and substitute “circuit”

AND

Page 16, delete lines 4 through 23

AND

Insert a new section after SECTION 1 to read as follows:

“SECTION 2. No provision of this act:

(a) Shall apply to, or alter existing law with respect to, any claim, charge, action, or suit brought or prosecuted by the Attorney General; or

(b) Shall be construed to diminish or enlarge the powers or duties of a coroner or medical examiner.”

AND

Appropriately renumber the subsequent section of the bill.

The Amendment was read \_\_\_\_\_  
By: Representative Gillespie  
KLT/JMB - 020320031339  
JMB093

\_\_\_\_\_  
Chief Clerk