

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 673**

Introduced by Lathrop, 12

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Hospital-Medical Liability  
2 Act; to amend section 44-2810, Reissue Revised Statutes  
3 of Nebraska; to change provisions relating to malpractice  
4 as professional negligence; and to repeal the original  
5 section.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 44-2810, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   44-2810 Malpractice or professional negligence ~~shall mean~~  
4 means that, in rendering professional services, a health care  
5 provider has failed to use the ordinary and reasonable care,  
6 skill, and knowledge ordinarily possessed and used under like  
7 circumstances by members of his or her profession engaged in  
8 a similar practice in his or her or in similar localities. In  
9 determining what constitutes ~~reasonable and ordinary~~ and reasonable  
10 care, skill, and ~~diligence~~ knowledge on the part of a health  
11 care provider in a particular community, the test shall be that  
12 which health care providers, in the same community or in similar  
13 communities and engaged in the same or similar lines of work,  
14 would ordinarily ~~exercise and devote to~~ possess and use for the  
15 benefit of their patients under like circumstances. Malpractice  
16 or professional negligence includes sexual abuse, misconduct,  
17 or exploitation occurring between a health care provider and a  
18 patient.

19                   Sec. 2. Original section 44-2810, Reissue Revised  
20 Statutes of Nebraska, is repealed.