

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 862

Introduced by Lathrop, 12.

Read first time January 13, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act;
2 to amend section 44-2825, Reissue Revised Statutes of
3 Nebraska; to increase the dollar amount recoverable under
4 the act; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-2825, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 44-2825 (1) The total amount recoverable under the
4 Nebraska Hospital-Medical Liability Act from any and all health care
5 providers and the Excess Liability Fund for any occurrence resulting
6 in any injury or death of a patient may not exceed (a) five hundred
7 thousand dollars for any occurrence on or before December 31, 1984,
8 (b) one million dollars for any occurrence after December 31, 1984,
9 and on or before December 31, 1992, (c) one million two hundred fifty
10 thousand dollars for any occurrence after December 31, 1992, and on
11 or before December 31, 2003, ~~and~~(d) one million seven hundred fifty
12 thousand dollars for any occurrence after December 31, 2003, and on
13 or before December 31, 2014, and (e) two million five hundred
14 thousand dollars for any occurrence after December 31, 2014.

15 (2) A health care provider qualified under the act shall
16 not be liable to any patient or his or her representative who is
17 covered by the act for an amount in excess of five hundred thousand
18 dollars for all claims or causes of action arising from any
19 occurrence during the period that the act is effective with reference
20 to such patient.

21 (3) Subject to the overall limits from all sources as
22 provided in subsection (1) of this section, any amount due from a
23 judgment or settlement which is in excess of the total liability of
24 all liable health care providers shall be paid from the Excess
25 Liability Fund pursuant to sections 44-2831 to 44-2833.

1 Sec. 2. Original section 44-2825, Reissue Revised
2 Statutes of Nebraska, is repealed.