

AMENDMENT TO RULES COMMITTEE PRINT 115-

10

OFFERED BY MR. BARR OF KENTUCKY

Add, at the end of the bill, the following (and amend the table of contents accordingly):

1 SEC. 11. AFFIRMATIVE DEFENSE.

2 (a) IN GENERAL.—In the case of a health care law-
3 suit, it shall be an affirmative defense to any health care
4 liability claim alleged therein that the defendant complied
5 with a clinical practice guideline that was established, pub-
6 lished, maintained, and updated on a regular basis by an
7 eligible professional organization and that is applicable to
8 the provision or use of health care services or medical
9 products for which the health care liability claim is
10 brought.

11 (b) DEFINITIONS.—For purposes of this section:

12 (1) CLINICAL PRACTICE GUIDELINE.—The term
13 “clinical practice guideline” means systematically de-
14 veloped statements based on the review of clinical
15 evidence for assisting a health care provider to de-
16 termine the appropriate health care in specific clin-
17 ical circumstances.

1 (2) ELIGIBLE PROFESSIONAL ORGANIZATION.—
2 The term “eligible professional organization” means
3 a national or State medical society or medical spe-
4 cialty society.

