
42 U.S. Code § 280g-15

State demonstration programs to evaluate alternatives to current medical tort litigation

(a) In general

The Secretary is authorized to award demonstration grants to States for the development, implementation, and evaluation of alternatives to current tort litigation for resolving disputes over injuries allegedly caused by health care providers or health care organizations. In awarding such grants, the Secretary shall ensure the diversity of the alternatives so funded.

(b) Duration

The Secretary may award grants under subsection (a) for a period not to exceed 5 years.

(c) Conditions for demonstration grants

(1) Requirements

Each State desiring a grant under subsection (a) shall develop an alternative to current tort litigation that—

- (A) allows for the resolution of disputes over injuries allegedly caused by health care providers or health care organizations; and
- (B) promotes a reduction of health care errors by encouraging the collection and analysis of patient safety data related to disputes resolved under subparagraph (A) by organizations that engage in efforts to improve patient safety and the quality of health care.

(2) Alternative to current tort litigation

Each State desiring a grant under subsection (a) shall demonstrate how the proposed alternative described in paragraph (1)(A)—

- (A) makes the medical liability system more reliable by increasing the availability of prompt and fair resolution of disputes;
 - (B) encourages the efficient resolution of disputes;
 - (C) encourages the disclosure of health care errors;
 - (D) enhances patient safety by detecting, analyzing, and helping to reduce medical errors and adverse events;
 - (E) improves access to liability insurance;
 - (F) fully informs patients about the differences in the alternative and current tort litigation;
 - (G) provides patients the ability to opt out of or voluntarily withdraw from participating in the alternative at any time and to pursue other options, including litigation, outside the alternative;
 - (H) would not conflict with State law at the time of the application in a way that would prohibit the adoption of an alternative to current tort litigation; and
 - (I) would not limit or curtail a patient's existing legal rights, ability to file a claim in or access a State's
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legal system, or otherwise abrogate a patient's ability to file a medical malpractice claim.

(3) Sources of compensation

Each State desiring a grant under subsection (a) shall identify the sources from and methods by which compensation would be paid for claims resolved under the proposed alternative to current tort litigation, which may include public or private funding sources, or a combination of such sources. Funding methods shall to the extent practicable provide financial incentives for activities that improve patient safety.

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