

**HB162 ENROLLED**



1 G8YX6C-2  
2 By Representatives Oliver, Hurst  
3 RFD: Health  
4 First Read: 21-Mar-23  
5  
6 2023 Regular Session



## HB162 Enrolled

1 Enrolled, An Act,

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A BILL

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TO BE ENACTED

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AN ACT

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8 Relating to the Alabama Medical Liability Act of 1996;  
9 to amend Section 6-5-549.1 of the Code of Alabama 1975, to  
10 provide that the term "health care provider" as used in that  
11 act and the Alabama Medical Liability Act of 1987 would  
12 include emergency medical services personnel and any emergency  
13 medical provider service.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 6-5-549.1 of the Code of Alabama  
16 1975, is amended to read as follows:

17 "§6-5-549.1

18 (a) This section and Sections 6-5-548 and 6-5-549 shall  
19 be known and may be cited as "The Alabama Medical Liability  
20 Act of 1996."  
21

22 (b) The Legislature of the State of Alabama finds and  
23 declares that a crisis continues to threaten the delivery and  
24 availability of medical services to the people of Alabama and  
25 the health and safety of the citizens of this state are in  
26 jeopardy as a result of this crisis. In accordance with the  
27 previous declarations of the Legislature of Alabama in  
28 Sections 6-5-480 to 6-5-488, inclusive, 27-26-1 to 27-26-4,  
inclusive, and 27-26-20 to 27-26-43, inclusive, and Sections



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29 6-5-540 to 6-5-552, inclusive, it is the declared intent of  
30 this Legislature to ensure that quality medical services  
31 continue to be available at reasonable costs to the citizens  
32 of the State of Alabama. The continuing and ever increasing  
33 threat of legal actions for alleged medical injury causes and  
34 contributes to an increase in health care costs and places a  
35 heavy burden on those who can least afford such increases. The  
36 threat of such actions contributes to the performance of  
37 expensive medical procedures by physicians and other health  
38 care providers which otherwise would not be considered  
39 necessary. The spiraling cost and decreasing availability of  
40 essential medical services caused by the threat of litigation  
41 constitutes a danger to the health and safety of the citizens  
42 of this state. This section and Sections 6-5-548 and 6-5-549  
43 should be given effect immediately to help control the  
44 spiraling cost of health care and to ~~insure~~ ensure its  
45 continuing availability. Additionally, the increasing threat  
46 of legal actions for alleged medical injury has resulted in a  
47 continuing limitation on the number of physicians providing  
48 specialized health care in this state. Because of the limited  
49 number of insurers offering professional liability coverage  
50 and because of the prejudice to the rights of defendant health  
51 care providers through the interjection of evidence of  
52 insurance, the interest of all citizens will best be served by  
53 prohibiting the introduction of evidence that a witness  
54 testifying at trial is insured by the same insurer as the  
55 defendant health care provider.

56 (c) For the purposes of this section and Sections



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57 6-5-548 and 6-5-549, the terms used shall have the meanings  
58 respectively ascribed to them in Section 6-5-542.  
59 Notwithstanding the foregoing, for purposes of this section  
60 and Sections 6-5-548 and 6-5-549, the term "health care  
61 provider" shall include any licensed optometrist or licensed  
62 chiropractor and the term "professional corporation" shall  
63 include any optometric or chiropractic professional  
64 corporation or optometric or chiropractic professional  
65 association; and, for purposes of this section and Sections  
66 6-5-548(a) and 6-5-549, the term "health care provider" shall  
67 include any licensed podiatrist and the term "professional  
68 corporation" shall include any podiatric professional  
69 corporation or podiatric professional association; and for  
70 purposes of this section and Sections 6-5-548 and 6-5-549, the  
71 term "health care provider" shall include emergency medical  
72 services personnel and any provider service as those terms are  
73 defined in Section 22-18-1(11) and (20). However, subsection  
74 (e) does not apply to licensed optometrists and optometric  
75 professional corporations or licensed chiropractors and  
76 chiropractic professional associations.

77 (d) This section and Sections 6-5-548 and 6-5-549 are  
78 intended to supplement "The Alabama Medical Liability Act,"  
79 Act 513, 1975 Regular Session and "The Alabama Medical  
80 Liability Act of 1987," Act 87-189, 1987 Regular Session and  
81 the legislative intent stated therein.

82 (e) This section and Sections 6-5-548 and 6-5-549 apply  
83 to all actions pending against health care providers at the  
84 time of the effective date of the sections. Notwithstanding



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85 the foregoing, this section shall not apply to an action filed  
86 against a podiatrist prior to March 7, 2006."

87 Section 2. This act shall become effective on the first  
88 day of the third month following its passage and approval by  
89 the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 11-Apr-23.

John Treadwell  
Clerk

Senate

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**25-Apr-23**

Passed