

1 HOUSE BILL NO. 342

2 INTRODUCED BY B. MERCER, E. BUTTREY, S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO MEDICAL MALPRACTICE AND
5 HEALTH CARE PROVIDERS RELATING TO THE DUTY OF CARE; PROVIDING THAT A SPECIFIC RISK
6 DOES NOT CHANGE OR HEIGHTEN THE DUTY BEYOND THE REASONABLE STANDARD OF CARE; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Medical malpractice -- duty of care -- foreseeability of risks.** In
12 medical malpractice actions, the foreseeability of risks or of a specific risk does not change or heighten the duty
13 owed beyond the reasonable standard of care applicable to the medical provider.

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15 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
16 integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

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18 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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20 NEW SECTION. **Section 4. Applicability.** [This act] applies to medical malpractice actions filed on or
21 after [the effective date of this act] and is intended to clarify any court ruling to the contrary.

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