

# Missouri State Senate Approves New Medical Malpractice Non-economic Damage Cap

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After several years of debate, the Missouri State Senate on March 11, 2015, voted to increase the non-economic damages in medical malpractice cases. In a bipartisan compromise, State Senators agreed to statutory language to reinstate medical malpractice caps. The caps proposed by the Senate would be \$400,000 in most cases. In catastrophic injury cases (defined as paralysis, brain injury or loss of vision), the cap escalates to \$700,000. The proposed bill also increases the current existing \$350,000 cap on non-economic damages in wrongful death cases to \$700,000. All caps would increase each year by 1.7%. The Senate proposes circumventing the Missouri Supreme Court's ruling in *Watts v Cox Medical Centers* by invalidating the common law medical malpractice cause of action and then, in turn, passing a statutory cause of action in its place.

The House and the Senate must now reconcile competing versions of the bill before final approval and submission to Governor Nixon.