

**AMENDMENT TO H.R. 3962**  
**OFFERED BY MR. GINGREY OF GEORGIA**

[amendment is drafted to H.R. 3962]

At the end of section 2401, add the following:

- 1 (d) NO NON-ECONOMIC DAMAGES FOR TREATMENT  
2 WITHIN BEST PRACTICES GUIDELINES.—No non-eco-  
3 nomic or punitive damages may be awarded against any  
4 health care practitioner based on a claim that such treat-  
5 ment caused the claimants harm where such treatment—  
6 (1) was subject to quality review by a con-  
7 sensus-building organization (as defined by the Sec-  
8 retary of Health and Human Services);  
9 (2) was in accordance with the best practices  
10 identified or developed under section 931 of the  
11 Public Health Service Act (as proposed to be added  
12 by this section); and  
13 (3) is generally recognized among qualified ex-  
14 perts (as designated by the Secretary of Health and  
15 Human Services) as safe, effective, and appropriate.

