

**IN THE GENERAL ASSEMBLY**

**STATE OF \_\_\_\_\_**

**An Act**

**To Provide for Regulation of Contingency Fees Paid by Medical Injury Claimants**

1 Be it enacted by the People of the State of \_\_\_\_\_, represented in the General  
2 Assembly:

3 **Section 1. Definitions.** As used in this Act:

4 (a) "Health care provider"\* means any doctor of medicine, doctor of osteopathy  
5 or hospital licensed by this State to provide health care services or an  
6 officer, employee or agent thereof acting in the course and scope of  
7 employment.

8 (b) "Health care services" means acts of diagnosis, treatment, medical  
9 evaluation or advice or other such acts as may be permissible under the  
10 health care licensing statutes of this State.

11 **Section 2.**

12 (a) In any action for damages for injury or death against any health care  
13 provider, whether based upon tort, breach of contract or otherwise arising  
14 out of the provision of or failure to provide health care services, the  
15 plaintiff's attorney shall not receive a contingency fee exceeding the  
16 following amounts:

17	If the total settlement	The attorney's fee
18	Or award is:	shall not exceed:
19	Not more than \$50,000	40% of such amount

1	More than \$50,000 but not	
2	More than \$100,000	\$20,000 plus 33 1/3% of
3	the excess over \$50,000	
4	More than \$100,000 but less	
5	Than \$200,000	\$36,667 plus 25% of the
6	excess over \$50,000	
7	\$200,000 or more	\$61,667 plus 10% of
8	excess over \$200,000.	

9 (b) Provided, however, that the court in which the action was instituted may, upon  
10 petition of plaintiff or plaintiff's attorney, fix a reasonable fee, in excess of the  
11 amount specified in subsection 2(a) where in the opinion of the court the  
12 circumstances justify additional compensation.

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\*May designate other health professionals licensed by the State.