

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE JOINT RESOLUTION 1159

Sponsors: Senator Ballance.

Referred to: Rules and Operation of the Senate.

May 13, 1993

1 A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY A SYSTEM FOR COMPENSATING FOR MEDICAL
3 MALPRACTICE THAT IS A SUBSTITUTE FOR THE PRESENT TORT
4 SYSTEM OF RECOVERY.

5 Be it resolved by the Senate, the House of Representatives concurring:

6 Section 1. The Legislative Research Commission may study the advisability
7 of developing a system of compensating individuals for injuries caused by medical
8 malpractice that is a substitute for the present tort system of recovery. The Commission
9 shall specifically consider the advisability of adopting a system for medical malpractice
10 that is modeled after a workers' compensation system. The Commission shall consider
11 the state model legislation developed by the American Medical Association for medical
12 malpractice. The Commission shall review the legislation from other states that have
13 adopted alternative approaches to the present tort system of recovery for medical
14 malpractice. The Commission shall consider the recent literature addressing fault-based
15 and no-fault based systems of compensation for medical malpractice.

16 Sec. 2. The Commission shall report its findings and recommendations to the
17 1995 General Assembly and may make an interim report to the 1994 Regular Session of
18 the 1993 General Assembly.

19 Sec. 3. This resolution is effective upon ratification.