

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 917

By Senator Rucker

[Introduced March 24, 2025; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, adding a new article, designated
2 §55-7L-1, §55-7L-2, §55-7L-3, §55-7L-4, §55-7L-4, and §55-7L-5, relating to creating a
3 limitation of civil liability for academic medical centers and teaching hospitals; stating
4 findings and declaration of purpose; providing definitions; prescribing insurance
5 requirements and limitations on liability; explaining applicability of article; and clarifying
6 construction.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7L. LIMITATION OF CIVIL LIABILITY FOR ACADEMIC MEDICAL CENTERS
AND TEACHING HOSPITALS AFFILIATED WITH MEDICAL AND DENTAL
SCHOOLS.**

§55-7L-1. Findings; declaration of public purpose.

1 The Legislature finds and declares:

2 That West Virginia faces critical shortages of physicians, nurses and other health care
3 providers;

4 That historically, half of physicians who completed medical school and residency or
5 fellowship training in a state remain in that state;

6 That historically, investment in the education and training of our health care providers
7 affords the state its best opportunity to meet the health care needs of its citizens;

8 That the citizens of this state have been and should continue to be well served by
9 physicians, dentists, nurses, and other health care professionals trained in West Virginia;

10 That medical education is enhanced when medical residents, fellows and students of all
11 health professions have access to modern health care facilities, state of the art equipment and
12 technology, and a full range of clinical experiences and research opportunities that are available at
13 the academic medical centers and teaching hospitals located within the state;

14 That the state's academic medical centers and teaching hospitals are organized

15 exclusively for charitable, scientific and educational purposes, and specifically to promote the
16 training and education of health care providers and to further medical and scientific research in an
17 academic setting;

18 That the clinical training programs offered in the state's academic medical centers and
19 teaching hospitals benefit the state's medical schools, dental schools, and other colleges and
20 universities and contribute to the diagnosis, treatment and prevention of diseases and the positive
21 improvement of the health and well-being of the residents of the state;

22 That the state must advance and sustain the education, training and research environment
23 provided at the state's academic medical centers and teaching hospitals so that the state can train
24 and retain those health care providers in the state, which is a substantial and compelling interest of
25 the state and its citizens;

26 That the provision of the clinical services offered by the academic medical centers and
27 teaching hospitals in the state is a vital and inseparable component of the education and training of
28 health care professionals and contributes significantly to the ongoing quality, effectiveness and
29 scope of the state's health care delivery system;

30 That the state's academic medical centers and teaching hospitals subsidize and support
31 student programs and fund resident and faculty salaries and other costs associated with the
32 overall operation of the state's medical and dental schools and other health care training
33 programs;

34 That academic medical centers and teaching hospitals play an essential role in assuring
35 an adequate supply of qualified and trained physicians, dentists, and other health care
36 professionals throughout the state and it is therefore reasonable and appropriate for the
37 Legislature to limit the civil liability of academic medical centers and teaching hospitals, and their
38 respective members, directors, trustees, officers, faculty, employees, agents, volunteers, and
39 students given the substantial and compelling state interests being served; and

40 That it is further reasonable and appropriate to require the state's academic medical

41 centers and teaching hospitals to adequately and fairly compensate individuals who suffer injury.

§55-7L-2. Definitions.

1 For purposes of this article:

2 (1) "Academic medical center" means a West Virginia nonprofit hospital or health system
3 affiliated with an accredited medical school which meet the requirements set forth in 42 C. F. R.
4 §411.355(e).

5 (2) "Claim" means all claims, suits, actions, causes of action or liabilities arising out of the
6 same or related errors or omissions or the same or related acts, events, or incidents.

7 (3) "Personnel" means all full-time, part-time, visiting and volunteer directors, trustees,
8 officers, faculty, residents, fellows, students, employees, agents, volunteers and servants of the
9 academic medical center or teaching hospital, whether compensated or not.

10 (4) "Teaching hospital" means a West Virginia nonprofit hospital or health system which
11 sponsors four or more approved graduate medical education programs in the state and is affiliated
12 with one or more of the state's medical schools and/or state dental school.

§55-7L-3. Insurance requirements; limitation of liability for academic medical centers and teaching hospitals.

1 Academic medical centers and teaching hospitals must maintain liability insurance of at
2 least \$2 million per occurrence. The liability of academic medical centers and teaching hospitals
3 for any claim arising from or resulting from any alleged acts or omissions of such academic
4 medical center, teaching hospital or its personnel shall not exceed the limits of such insurance,
5 exclusive of interest and costs, irrespective of the number of parties named as defendants;
6 provided that such.

§55-7L-4. Applicability.

1 The amendments to this article apply to all academic medical centers and teaching
2 hospitals for causes of action which are filed against academic medical centers and teaching
3 hospitals on or after May 1, 2025.

§55-7L-5. Construction.

- 1 The provisions of this article shall not serve to waive or limit any other immunity, protection
- 2 or damages limitation to which any of the foregoing entities or persons may be entitled under any
- 3 other law.

NOTE: The purpose of this bill is to create a limitation of civil liability for academic medical centers and teaching hospitals; state findings and declaration of purpose; provide definitions; prescribe insurance requirements and limitations on liability; explain applicability of article; and clarify construction.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.